The House met at 10 a.m. and was called to order by the Speaker pro tem (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, June 7, 2001.
I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Robert Gannon, Our Lady Queen of Peace Roman Catholic Church, Staten Island, New York, offered the following prayer:

Lord, help these Members of Congress glorifying the city of Detroit and its residents on the occasion of the tricentennial of the city's founding.

H. Con. Res. 149. Concurrent resolution permitting the use of the Rotunda of the Cap- itol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz.

The message also announced that the Senate agreed to the following resolution:

S. Res. 101
Resolved, That the House of Representa-tives be notified of the election of Robert C. Byrd, a Senator from the State of West Vir-ginia, as President pro tempore.

REVEREND ROBERT GANNON

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

Mr. FOSSELLA. Mr. Speaker, it is my honor and pleasure to acknowledge the presence of Father Robert Gannon, who offered the morning prayer this morning. Father Gannon, to those who know him, love him. Those who know him, honor and respect him.

He was born in the Lower East Side of Manhattan, and spent much of his life on Staten Island. He is a positive role model and influence to thousands. He attended and graduated Fordham University as well as the St. Joseph Seminary in Dunwoody. For many years he has been a pastor of Lady Queen of Peace of Staten Island. He has been a guidance counselor to many high school students. It is estimated more than 15,000 students went through his doors on their way to college.

In addition for the last 20 years or so, Father Gannon has headed a committee in the 13th Congressional Dis-trict that screens and recommends nominations to our military academies: Annapolis, West Point, Air...
CONGRESSIONAL RECORD — HOUSE  
June 7, 2001

Force Academy, Merchant Marines. In that period of time, perhaps more than 150 students have gone on to those military academies and then gone on to serve our country. Many of those probably would not have gone on to those academies but for the help, guidance, and assistance of Father Gannon.

Mr. Speaker, he has been a priest, a teacher, a friend, and really loved by thousands. I am very, very fortunate to have him as my friend, and I hope today that those Members of the House here with me who had the privilege of knowing him, I ask to honor him to be with us today.

**VIOLENCE IN MIDDLE EAST HAS GOTTEN TO COME TO AN END**

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

Mr. MORAN of Virginia. Mr. Speaker, I want to make note of a headline in the Washington Post today: “Bomb’s Fallout Sets Back Goals of Palestinians.” It goes on to say that Chairman Arafat’s call for a cease-fire was seen as the result of shifting opinion. It refers to the suicide bombing last Friday night of a high school, and recent teenagers in Tel Aviv lost their lives. It was the single largest act of terrorism since violence began last September.

This cycle of violence in the Middle East has got to come to an end. In the aftermath of the tragedy, Chairman Arafat swiftly denounced the attack and called for a cease-fire. I have to commend the Israeli Government for exercising restraint and not engaging in the retaliation that was anticipated following this terrible incident.

Mr. Speaker, Prime Minister Sharon under immense pressure showed restraint. The international community stands behind that restraint; but clearly these volatile events require this administration to get involved in the Middle East. Sending CIA Director George Tenet in is the right thing to do. We need him in the Middle East. We need United States involvement in the Middle East, and we need to use the Mitchell Commission as the pathway to peace. This violence has to stop.

**CONGRATULATIONS TO 2001 GRADUATING CLASS OF CITY COLLEGE**

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the year 2001 graduating class of City College. This four-year private, nonprofit institution has its roots back in Kentucky more than 70 years ago. Today it is located in Fort Lauderdale with three campuses in Florida, including one in Miami Beach.

This year City College is sending 140 new graduates into the working world who will bring with them skills and training in a variety of disciplines. The program of this small but ambitious college includes majors in business, hospitality management, broadcasting, legal assistance, private investigation and allied health, which covers an excellent EMT paramedic program along with medical office administration and medical assisting.

The City College graduating class is small but diverse and includes international students. I wish them all the best of luck and extend my sincere congratulations on their individual accomplishments.

**BUSH ENERGY PLAN AND EMINENT DOMAIN**

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

Mr. PASCRELL. Mr. Speaker, we have had a couple of weeks now to digest the Bush administration energy plan. My stomach is as uneasy today as it was when it was released. For starters, the administration seeks to reduce regulations to encourage more oil, gas and nuclear production, along with tax incentives to boost coal output.

Mr. Speaker, the President says the Nation needs 1,300 to 1,900 new power plants over the next 20 years. That is one a week. The administration calls for 38,000 additional miles of natural gas pipelines, and 293,000 miles of distribution lines.

Well, that certainly does not sound good to me. I would like to know where they plan on putting these thousands of facilities and all these miles of infrastructure.

Mr. Speaker, imagine living in one’s home for many years, only to find out one day that distant bureaucrats have decided to take that land in order to build pipelines; and they have the power, the power of eminent domain, and now they want the same thing. FERC wants to do the same thing with electrical lines as they have done with pipelines.

Mr. Speaker, the Bush proposal would expand that authority to include land for electricity power lines. If this plan goes into effect, we will have to keep our eyes open for 100-foot towers, high-voltage electrical that may be going through backyards and parks and communities near you.

**THOUSANDS OF AMERICAN FARMERS EACH YEAR ARE LOSING THEIR FARMS**

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

Mr. TRAFICANT. Mr. Speaker, thousands of American farmers each year are losing their farms. Bankruptcy, unfair court settlements, estate taxes, government regulations, IRS, EPA, you name it. American farmers are literally biting the dust. Yet Uncle Sam is allowing imported ground beef to cross our borders without even being inspected. It is unbelievable. If that is not enough to milk your holstein, the American people know more about the origin of their BVDs than their food supply. With mad-cow disease and foot-and-mouth disease rampant over in Europe, there is not even a country-of-origin label on American food. Beam me up.

Mr. Speaker, I yield back the fact that mad-cow disease is not a name for a rock group.

**AMERICA NEEDS TO MOVE FORWARD ON AN ENERGY PLAN THAT IS CONCISE AND RESPONSIVE TO ALL AMERICANS**

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

Mr. RODRIGUEZ. Mr. Speaker, the President has released his long-awaited energy plan. The President has proposed nothing that deals with the immediate energy crisis in California and the Pacific Northwest, or the crisis that may be looming in the New England area or the rising gasoline prices.

Instead, he said that the tax cut proposal will help consumers with the increased energy situation. However, these tax cut reductions will not take place until the year 2006. In addition, the tax cuts when you look at the 45 percent of the $1.6 trillion tax cut, will benefit 1 percent of the richest in the country. Middle America that makes $44,000 a year, 60 percent of Americans that make $44,000, are going to receive less than 13 percent of this tax cut.

Mr. Speaker, so when we look at the President’s proposal in energy, it does not take into consideration conservation activities that need to take place by all Americans, including the Federal Government; not to mention the fact that we need to make sure that as we look in terms of our energy situation, we plan for the future by investing in America. We believe that the balanced energy policy is ill advised, and we need to move forward on an energy plan that is concise and make sure that it is responsive to all Americans.

**PRESIDENTIAL TASK FORCE ON VETERANS’ HEALTH CARE**

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

Mr. SHOWS. Mr. Speaker, on Memorial Day President Bush established a presidential task force he says that will improve health care delivery for our Nation’s veterans. This task force will take 2 years to study veterans and military retiree health care. With all due respect, Mr. Speaker, the last thing veterans and military retirees need is another study. They need health care now.

President Bush told veterans and military retirees that ‘promises made
CONGRESSIONAL RECORD—HOUSE

BUDGET AN INSULT TO VETERANS

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

Mr. FILNER. Mr. Speaker, as we speak, the Republicans are celebrating over at the White House their big tax break plan. These same folks who are celebrating gave great speeches on Memorial Day last week saying how much they supported our veterans. Yet they supported our veterans. They are dishonoring our veterans. They passed a budget, but they are doing nothing to find a cure for Persian Gulf War illness. We are doing nothing to advance our treatment of mental illness. We are doing nothing for the homeless veterans that are on our streets.

Yes, they are celebrating their tax breaks, they passed a budget, but they are dishonoring our veterans. They ought to be ashamed of themselves for such a celebration and we ought to change the appropriations to reflect our real commitment and our real appreciation of our Nation's veterans.

INTERNET PRIVACY VIOLATIONS

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

Mr. INSLEE. Mr. Speaker, I want to alert Members this morning to a disturbing report we received in response to our demand for an accounting of privacy violations on governmental Web sites. We just received the other day the audit report of the Department of Defense Web sites. We found disturbing information. Of 400 sites that were reviewed, over a quarter of them had privacy violations where Americans' privacy rights were being abused by Federal agencies. There were 128 sites that had unauthorized use of cookies which is essentially a system used to collect personal information on your system placed there by a government Web site. There were 100 sites that had no privacy notice. Perhaps most disturbing, there were seven sites where the government agencies had used Web bugs which essentially are capable of tracking an individual's uses of the Internet. This is extremely disappointing after all of our work on privacy here in this Chamber for the executive branch to be so callously indifferent to people's privacy. I urge Members to be alert to this. We need to work together to ensure that these agencies stop these nefarious practices. Government should start respecting Americans' privacy.

TAX CUT BENEFITS WEALTHY AT EXPENSE OF EVERYONE ELSE

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

Mr. ALLEN. Mr. Speaker, the Congressional Budget Office just released revised estimates on the fiscal year 2002 surplus. The so-called contingency fund has shrunk from $12 billion to $1 billion. Surprise, surprise, surprise. I know now why we rushed through passage of this $1.35 trillion tax cut. There is not enough room for both the tax cut and funding for essential programs.

In school, we learned that the hip bone is connected to the thigh bone, but unfortunately many of my colleagues do not understand that expenditures are connected to revenues. As a result, our constituents will suffer.

According to the Economic Policy Institute, my home State of Maine will lose $4 million needed under the proposed Bush budget. LIHEAP is cut. School renovation and construction grants are eliminated. That is only the beginning.

This country would be better off if the President today did not sign this $1.35 trillion tax cut which benefits the wealthy at the expense of everyone else.

ON ENERGY AND REVEREND SHARPTON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important as my colleagues have already noted that as we discuss this energy concern or energy crisis, we begin to understand and not part of the crisis. I think it is important to note there are problems in the western part of this Nation; but as the hot summer months proceed, we will find it moving throughout this country. Enhanced funding for LIHEAP is important. Dialogue about a consideration of a moratorium on pricing is important. Businesses are closing. People cannot provide for their needs in the western States. And I clearly believe that it is important that we look at alternative fuel sources, but we will do nothing if we are not discussing these issues. We need to discover the solution over the problem.

Finally, might I say in a totally different mode as a Member of the House Committee on the Judiciary, I am enormously disappointed in what has happened to Reverend Al Sharpton and a number of individuals who pressed the point of protest about the use of the naval base in Puerto Rico. It seems ridiculous that an individual who was pressing political speech and protesting on behalf of his beliefs should not be allowed ball. I would hope that there would be a consideration of this cause so that he is pressing his case of his innocence, he is allowed to be out on bail. It makes no sense. We believe in the first amendment in this Nation, and we should have the right to freedom of speech.

PROVIDING FOR CONSIDERATION OF H.R. 1699, COAST GUARD AUTHORIZATION ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 155 and ask for its immediate consideration.
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House in recess until the next day, and the Chairman of the Committee on Transportation and Infrastructure shall report the bill to the House with such amendments as may be adopted by the House. At any time after the adoption of this resolution, a motion to reconsider this rule shall be in order. The rule provides for one hour of general debate equally divided and controlled by the ranking minority member of the Committee on Transportation and Infrastructure. 

Mr. Speaker, the gentleman from Massachusetts (Mr. Delahunt) has been the key figure in this quest for years to improve the Coast Guard’s funding. In his opening remarks, he articulated the Coast Guard’s critical role in ensuring national security and public safety. He acknowledged the Coast Guard’s historical and ongoing contributions to the nation, including search and rescue operations, drug interdiction, environmental protection, and many other vital missions. Mr. Delahunt emphasized the need for appropriate funding to support these essential duties.

Mr. Delahunt’s remarks highlighted the Coast Guard’s role in combating drug smuggling, safeguarding our nation’s borders, and protecting the marine environment. He also discussed the importance of ensuring that the Coast Guard has the necessary resources to perform its duties effectively. Mr. Delahunt’s leadership has been critical in advocating for increased funding for the Coast Guard.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. Johnson). His remarks will further emphasize the significance of this legislation. Mr. Johnson is a strong advocate for the Coast Guard and has been a vocal supporter of increased funding. His perspective will complement Mr. Delahunt’s remarks and provide additional insight into the challenges faced by the Coast Guard.

In conclusion, the legislation introduced by Mr. Delahunt and supported by Mr. Johnson is a critical step towards ensuring the Coast Guard can carry out its vital missions. By providing the necessary funding, we can support the brave men and women who risk their lives to protect our seas and shores. This legislation represents a significant investment in our national security and public safety. It is a testament to our commitment to ensuring that the Coast Guard has the resources it needs to carry out its critical duties.

It is my hope that this legislation will be passed, and I urge all members of the House to join me in supporting this important measure. Together, we can ensure that the Coast Guard has the resources it needs to protect our nation’s borders, safeguard our seas, and serve the American people with honor and distinction. Thank you.
Day in, day out they do their job. Well, now it is time for us to do ours. I support the rule and the underlying bill.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. Traficant).

Mr. Traficant asked and was given permission to revise and extend his remarks.

Mr. Traficant. Mr. Speaker, I support the rule and I support the bill, and I was very saddened and it is saddening here today to realize that one of the great Members of Congress, Mr. Moakley, is not here, who normally handles this bill. He was a friend of mine, and he was not afraid to be a friend of mine as some other Democrats were. This treated all Democrats fairly, and I think that is a legacy that speaks for itself. An old saying relative to Coach Vince Lombardi at Green Bay is that why did everybody love him? All his colleagues to support this rule and support this bill. He was a friend of mine, and I support the rule and the underlying bill. He was a friend of mine, and I support the rule and support this bill.

Mr. Speaker, now President Bush, a Republican, has made it difficult to trace the origin of American workers. Number three, that this provision, the Coast Guard will continue its program, operations, including search and rescue, marine environmental protection, defense readiness and drug interdiction. I urge my colleagues to support this rule and support this bill.

Mr. Speaker, the Coast Guard has five training facilities across the country that prepares its members to perform their jobs so ably, and I am proud to represent the only Coast Guard training facility on the West Coast, the Two Rock Training Facility in Petaluma, California. Several years ago, my constituents and I fought hard to keep Two Rock Coast Guard Training Facility open. The Coast Guard’s modern, spacious and environmentally clean training facility survived, and we were delighted.

This decision to keep Two Rock open ensured the Coast Guard that the Coast Guard continues nationwide the technological, environmental and global economic challenges of the 21st century. I am pleased that today’s bill will give Two Rock and the Coast Guard the financial tools they need to meet their challenges.

The Coast Guard does a top notch job of enforcing maritime law and safeguarding the lives and property of Mariners throughout the coastal waters of the United States and its possessions, and its territories. Through this bill’s provisions, the Coast Guard will continue its program, operations, including search and rescue, marine environmental protection, defense readiness and drug interdiction. I urge my colleagues to support this rule and support this bill.

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

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to. A motion to reconsider was laid on the table.

THE JOURNAL

The Speaker pro tempore (Mr. LaTourette). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker’s approval of the Journal of the last day’s proceedings. The question is on the Speaker’s approval of the Journal.

The question was taken; and the Speaker pro tempore announced that there was no quorum present and made the point of order that a quorum is not present. The Speaker pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were—yeas 362, nays 36, not voting 33, as follows:

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

The Speaker pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were—yeas 362, nays 36, not voting 33, as follows:
Mr. COSTELLO changed his vote from “yea” to “nay.”
So the Journal was approved.
The result of the vote was announced as above recorded.

Stated for:
Ms. SOLIS. Mr. Speaker, during rollcall vote No. 154 on Approving the Journal, I was unavoidably detained. Had I been present, I would have voted “yea.”

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR Mr. SPEAKER: I have the honor to transmit hereewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of California, indicating that, according to the information contained in the statement of the results of the General Election held on June 5, 2001, the Honorable Diane E. Watson was elected Representative in Congress for the Thirty-second Congressional District, State of California.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk.

SWEARING IN OF THE HONORABLE DIANE E. WATSON OF CALIFORNIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from California and the members of the California delegation present themselves in the well.

Will the Member-elect from California (Ms. WATSON) come forward and raise her right hand?

Ms. WATSON of California appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the Constitution and laws of the United States; that you will faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Will the Member-elect from California (Ms. WATSON) take the oath of office?

Ms. WATSON. I do solemnly swear...

HEARTFELT APPRECIATION AND THANKS TO MANY

(Ms. WATSON of California asked and was given permission to address the House for 1 minute.)

Ms. WATSON of California. Mr. Speaker, distinguished Members of Congress, I stand today in the well of this most distinguished Chamber with both pride and humility as the newly elected representative of the 32nd Congressional District of California.

First, I wish to thank the constituents of my district for entrusting me with the responsibility of serving as their representative in this august body. I would like to thank my family and friends for their dedication and support, and I am delighted you are here with me today to share in this auspicious occasion. I would also like to thank my mother, who is 92 years young. With her valuable guidance and love, I stand here before you today. To my remaining family and friends and colleagues, I thank you from the bottom of my heart. To my political mentors and spiritual counselors, I too thank you.

As I begin this new chapter of my life, I cannot help but recall the days of my youth where, as a young student at Foshay Junior High School, I envisioned a career as a professional football player. But I never dreamed I would be the first African American woman elected to the Los Angeles School Board and the first American woman to be elected to the California State Senate.

In the State Senate she chaired the Health and Human Services Committee for over 17 years. Her legislation is landmark legislation that more than paid for itself, including the California birth defects monitoring program. She also ensured quality for community care and residential care facilities. And most recently, she has served this Nation well as our ambassador to Micronesia.

The remarkable and historical fact of Congresswoman DIANE WATSON coming to the United States Congress from the State of California is for the first time in the history of this House, a delegation from one State, the largest delegation, 52 members in all, which is broken down into 20 Republicans and 32 Democrats, the 32 Democrats, with her election, makes it parity for the first time in Congress where, for the first time in history, the largest delegation is half women and half men.

So I am very proud to introduce to my colleagues one who will be a great Member and a great leader of this House, the gentlewoman from California (Ms. WATSON).

WELLCOMING DIANE WATSON OF CALIFORNIA TO THE HOUSE OF REPRESENTATIVES

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

Mr. FARR of California. Mr. Speaker, as Chair of the Democratic delegation from the great State of California, it is a great privilege and honor to introduce the newest Member of the United States Congress, former Senator, former ambassador, now Congresswoman, DIANE WATSON.

I had the privilege of serving in the California State legislature with then Senator Watson for a long time, and I do not know if all the world knows what a leader, what a dynamic leader she is. She was first involved in education, an issue very dear to all of us here in Congress, as a teacher and then as a lecturer; a lecturer at Cal State Long Beach, which our colleague, the gentleman from California (Mr. HORN), was president of. She was the first African American woman elected to the Los Angeles Board of Education and, historically, the first African American woman to be elected to the California State Senate.

Mr. FARR. Mr. Speaker, as Chair of the Democratic delegation from the great State of California, it is a great privilege and honor to introduce the newest Member of the United States Congress, former Senator, former ambassador, now Congresswoman, DIANE WATSON.

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As I begin this new chapter of my life, I cannot help but recall the days of my youth where, as a young student at Foshay Junior High School, I envisioned a career as a professional football player. But I never dreamed I would be the first African American woman elected to the Los Angeles School Board and the first
African American woman elected to the California State Senate, where I served for 20 years.

I was further privileged to serve as a United States Ambassador to the Federated States of Micronesia under President William Clinton.

But through all these incredible endeavors, I never dreamed that this walk would direct me in the footsteps of my dear friend, the late esteemed Julian Dixon. As my Congressman, Julian was both admired and respected. He was respected by his constituents, by his colleagues, and mostly by himself. As public servants for our communities, we worked together to bring resources back to the people of the 32nd Congressional District. We both approached our duties with the zealousness and dedication expected of us today by those we so diligently served.

Now, I have been given the supreme honor to carry on and add to Julian’s legacy, and address those issues deemed important to our community: solvency of the Social Security Trust Fund, prescription drugs, significant meaningful education reform for our children. These are the issues on which I ran, and these are the issues that my constituents asked me to champion as their representative in Congress.

I am sure today that Julian smiles upon all of us because his legacy indeed will live on. I thank him for his distinguished years of service, and thank him, too, for his dedication as a champion of the people. I thank him most of all for his lifetime friendship.

I commit myself today to reach the highest standards of public service. I will strive to be a Representative who will serve her district by engaging in relevant policy debates and providing strong constituent services. To Mr. Dixon and to the constituents of the 32nd Congressional District I pledge my commitment and my dedication to the greater good.

Finally, I shall take my place with honor in this most prestigious body in the gentleman’s memory, and I would like to rise to the level of respect that he carried with him.

The great State of California stands as a shining example of the diversity that we so desperately need. In light of the recent consensus results, California is now a minority majority State. Our Democratic delegation reflects the parity that is synonymous with diversity. Upon this, my swearing in, as was mentioned, I became the 16th woman, along with 16 men, that make up our delegation. We have finally reached parity, and act as a model for the rest of this country.

Despite the many obstructions that face California, including our current energy crisis and the ability to be creative and apply practical solutions that work to benefit our State, our Nation, and today’s global economy, I look forward to joining all of my colleagues as we tackle these problems.

I stand today with the Democrats and the Republicans and the Independents. I stand with my colleagues in the California delegation, the Congressional Black Caucus, the Congressional Women’s Caucus, the Congressional Hispanic Caucus, and challenge all of us to work together towards the greater good of this country, and particularly, our State. Let history judge us that we pass in these great Chambers, but by the civility with which we pass them. Our best days are yet to come.

Mr. Speaker, I thank my colleagues, my friends, and supporters for being here with me to have this great honor bestowed upon me. I cannot ever repay them for their support, their commitment, and their dedication.

COAST GUARD AUTHORIZATION ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 155 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1699.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentlewoman from Florida (Ms. BROWN) each will control 30 minutes.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Coast Guard Authorization Act of 2001. Before I discuss this bill, however, I would like to thank the distinguished chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), for his time, energy, enthusiasm, and guidance in working out this authorization bill, which sometimes had its moments.

Also, I thank the ranking member, the gentleman from Minnesota (Mr. OBSESTAR), who once again has helped us with crafting a bill on which we have strong bipartisan support, and thank the ranking member of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Florida (Ms. BROWN), and their staffs for their help and cooperation on this legislation. H.R. 1699 was developed in a bipartisan manner and deserves the support of all Members of this body.

The primary purpose of H.R. 1699, the Coast Guard Authorization Act of 2001, is to authorize expenditures for the United States Coast Guard for the fiscal year 2002.

Section 2 of the bill authorizes approximately $3.4 billion for Coast Guard programs and operations for the fiscal year 2002. The bill授权$3.4 billion for the Coast Guard at the levels requested by the President, with an additional $300 million in Coast Guard operating expenses. The amounts authorized by this bill will allow the Coast Guard to address chronic budget shortfalls.

Many of the Coast Guard’s most urgent needs are similar to those experienced by the Department of Defense, including spare parts shortages and personnel training deficits. H.R. 1699 adds to keynoter’s $3.4 billion and increases the amounts available for Coast Guard drug interdiction, something very important for our country.

H.R. 1699 provides $338 million for the Coast Guard’s deepwater asset modernization program. To date, the Coast Guard has spent $117 million to develop a plan for replacing or modernizing existing deepwater assets. I strongly believe that the Integrated Deepwater System is the most economical and effective way for the Coast Guard to provide future generations of Americans with lifesaving services.

Mr. Chairman, I want to take this opportunity to commend the men and women of the United States Coast Guard for the exceptional services that they provide to our Nation. From the new recruits at the Coast Guard Training Center in Cape May, where I was proud to keynote their graduation ceremony last week, to the men and women of the Coast Guard Air Station in Atlantic City and the LORAN Service Unit in Lower Township, I have been impressed by their devotion to their nation and their constant need to stand watch over our shores. Their efforts are representative of their fellow shipmates all over our Nation.

All Americans benefit from a strong and capable Coast Guard that is equipped to stop drug smugglers, support the country’s defense, and respond to national emergencies. Unfortunately, the Coast Guard, like other military services, suffers from readiness problems related to deferred maintenance, aging equipment, and personnel training and retention. We must act to correct these problems and put the Coast Guard on a sound financial footing to be ready to respond to increasing demands on Coast Guard resources, especially the need to increase drug interdiction operations.

Mr. Chairman, Coast Guard operations must be made whole next year, ending the destructive cycle of funding shortfalls and end-of-the-year supplemental funding bills, which are only-bandaid approaches. The funding provided in this bill will accomplish this.
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goal. In order for the Coast Guard to continue to live up to its motto, Sem- per Paratus, always ready, Congress today needs to stand up for the Coast Guard. With today’s vote, we will do just that. I urge all Members to support this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1599. This is a bipartisan bill. I thank the ranking member, the chairman of the Subcommittee, the gentleman from New Jersey (Mr. LoBIONDO), and the ranking member of the subcommittee, the gentlewoman from Florida (Ms. BROWN), for her support, and those people directly involved.

Mr. Chairman, I am pleased that we are taking action today to authorize the funding for these important programs. H.R. 1699, the Coast Guard Authorization Act of 2001, authorizes the fiscal year 2002 Coast Guard budget at the level requested by the President, with an additional $300 million, as the gentleman has mentioned.

I, being from Alaska, and my Alaskan constituents have had a love affair with the Coast Guard for as long as we have been a Territory and a State. The first Federal officer that was stationed in Alaska was a Coast Guard employee, a captain.

They are dedicated people. They are committed and they are courageous, especially in search and rescue of our fishing fleet, which is the most dangerous fishing fleet in the world because of the climate conditions.

Just this year, there has been numerous rescue attempts successfully done by the Coast Guard using equipment that is outdated and not properly, very frankly, funded for the fuel that needs to do the mission. They have done so.

This bill does the authorization that we believe will not only fund them adequately, but will increase their deep water capability.

Many of the ships that are used by the Coast Guard in Alaska and other areas of the United States are 50 years old and older. The living conditions of those ships is deplorable, and this Congress has been neglectful. Our President has recognized it, and this Congress has recognized it for the leadership of the chairman. We are now authorizing the funding as it should be.

I have a little comment to make for those that may question the amounts of money. This is long overdue. We hope to have supplemental money in the supplemental appropriation bill for the $300 million, but the Coast Guard was shorted last year.

We have some people in OMB and other areas that have decided to make this an issue, and I will tell them and I will tell my colleagues on this floor, we are going to prevail to make sure our Coast Guard is adequately funded. This bill does that.

We have to recognize the importance of this bill, it is really on the front lines all the time. I have great respect for my Army, my Navy, I have great respect for my Marines, my Air Force. But this unit of the Coast Guard is always on the front lines; drug interdiction, oil spill responsibility, immigration. We make it clear that they are charged with, we have not adequately done our job, and it is up to us to do so.

Again, I want to thank those people that are directly involved in this, the gentleman from New Jersey (Mr. LoBIONDO), the chairman of the subcommittee, who has actually mentioned the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. BROWN) and himself for his wise acquisition planning. This unit is only as good as it serves every man, woman and child.

There is a tendency sometimes to believe that the Coast Guard only serves those on the coast. That is why they pay the bill that I believe is correct for this great agency which serves every man, woman and child.

There is a tendency sometimes to believe that the Coast Guard only serves those on the coast. That is why they pay the bill that I believe is correct for this great agency which serves every man, woman and child in the United States inland and along the coast through drug interdiction, illegal immigration, oil spill responsibility. The work that they do affects every man, woman and child in the United States.

So I urge this Congress to, not only to pass this bill, but to pass it overwhelmingly.

At this time, I would also like to compliment numerous people that had amendments. There will be some dialogue between those people. We have kept this a clean bill. There is nothing in here to slow it down like happened last year. We have agreed and reached a compromise with the gentleman from Ohio (Mr. TRAFICANT). He will be offering an amendment which we will accept. But it is the only amendment because it pertains to Buy America. But the rest of the amendments, and some of them were very well-warranted, we will talk about, we will discuss, and then they will be withdrawn.

I will compliment the wisdom of those Members to keep this bill clean so when it goes over to the Senate, they will not have the opportunity to do what they tried to do last year and put a lot of garbage on the bill that should have been passed.

So I want to congratulate those involved.

Ms. BROWN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1699, the Coast Guard Authorization Act of 2001. This legislation is vital to the future operation of the United States Coast Guard. Most importantly, H.R. 1699 authorizes an additional $300 million above the President’s request for Coast Guard operations. This means more money for law enforcement, drug interdiction, fishery enforcement and migrant interdiction.

For the past several years, the Coast Guard has been forced to either decrease operation or transfer money from maintenance to operation. Each day the men and women of the Coast Guard are putting their lives on the line to save those in distress, stop migrants and immigration, drugs, enforce maritime safety laws, and provide security to our Nation’s ports.

The time has come to provide the Coast Guard with the financial resources it needs to successfully carry out its operations. The $300 million in additional funds for operations will help pay for the backlog in maintenance for aircraft, allow the aircraft and cutters that were to be mothballed to continue to operate, and enable all of the Coast Guard’s vessels and cutters to operate to their full capacity.

In addition, H.R. 1699 authorized $338 million for the Coast Guard’s Deepwater Contract and the Coast Guard has been a wise guardian of the people’s money. They have managed to keep cutters operating that was built in the 1940s. However, it is time to modernize the Coast Guard aircraft and cutters. I am very thankful that the money authorized will allow the Coast Guard to successfully award the Deepwater contract early in fiscal year 2002.

The bill before us is a clean authorization bill. It contains no changes to Coast Guard policies or programs. We are hopeful that the Senate will agree with us that it is in the Nation’s interest to enact a Coast Guard authorizing bill in time for the Committee on Appropriations to provide the authorizing funds.

Mr. Chairman, failure to enact a bill authorizing appropriations to the Coast Guard is a failure to fulfill our obligations to the American people.

A vote for H.R. 1699 is a vote to provide an extra $300 million to support Coast Guard operations. Therefore, Mr. Chairman, I urge all of my colleagues to support the passage of H.R. 1699, the Coast Guard Authorization Act of 2001.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentlewoman for yielding me this time and congratulate her on managing on our side the first Coast Guard bill this session and send her well wishes to her splendid work in the future.

I want to express my appreciation to the gentleman from New Jersey (Mr. LoBIONDO), the chairman of the subcommittee, for the professional and thorough way that he has conducted the leadership of the subcommittee on this matter.

I express also my appreciation for the splendid working relationship with our chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), He is an ardent advocate for the Coast Guard as I, virtually a cheerleader for this special color blue uniform that makes such an enormous
contribution to our safety, the safety of our inland waterways, our coastal waterways and of our Deepwater service.

This bill is simply a numbers bill, if I could put it that way. We are trying to move the bill. The period of the last 2 years in the other body to move a Coast Guard authorization bill. In these past 2 years, this body and this committee has done its job. We have carried out our responsibility to the Coast Guard by bringing to the floor and passing authorization bill that gives the Coast Guard the full authority to do its work.

But when the bill got over to the other body, there were extraneous issues such as death on the high seas that have nothing to do with the mission of the Coast Guard that bogged the bill down, and we then did not get to an authorization. Now I urge the other body to take this bill and just without amendment, without extraneous matters, move the bill on to the President.

We are authorizing $5.3 billion for the Coast Guard for fiscal year 2002. There is $300 million in here for the Coast Guard’s operating expenses and for their mission. Because of the failure to enact a full authorization bill over the past 2 years, the Coast Guard has had to reduce its operations because they have had insufficient funds. This bill gives the Coast Guard sufficient funding for full operations and maintenance to do its mission. The other body ought to move along. We ought to get this job done.

This bill also addresses the long plan and carefully thought out Deepwater Replacement Project. This will involve replacing every ship and every aircraft that operates more than 50 miles offshore for the U.S. Coast Guard. It is a unique initiative. We have examined it in hearings over the past 2 years and studied the proposals carefully thought out. It ought to go ahead.

Instead of authorizing a specific type of ship built in a specific shipyard, this proposal authorizes a 20-year acquisition program, a performance-based procurement to obtain the very best aircraft and the very best cutters the Coast Guard needs for its mission at the lowest operational cost.

While we are here debating this legislation, it is a typical day for the 33,800 men of the U.S. Coast Guard: doing 109 search-and-rescue cases, saving 10 lives, rescuing 192 people in distress, saving $3 million in property, seizing 169 pounds of marijuana, 306 pounds of cocaine worth collectively $10 million. In fact, in some years, the Coast Guard seizes drugs, illegal drugs that have a street value greater than the Coast Guard’s appropriated budget.

The Marine safety personnel are conducting safety checks on 100 large vessels, investigating six Marine casualties, responding to 20 oil or hazardous chemical spills, and servicing 135 aids to navigation. That is a very impressive day’s work for the men and women in this special color blue.

I stand here in awe of them and in respect of their mission and their contribution to America and urge this body to move quickly on and affirmatively vote this bill.

Mr. LOBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLINGER).

Mr. BALLINGER. Mr. Chairman, I would like to thank the gentleman for yielding me this time. Mr. Chairman, as a person who has been heavily involved in the drug war in Central and South America, I want to speak out in praise of the work of the Coast Guard.

In their effort to reduce the drug flow into the United States, no one has done more and received less recognition than the United States Coast Guard. They work to interdict the fast boats that cover the Caribbean with the flood of drugs and should be commended for the results that have been shown. If other branches of the services were doing a comparable job of fighting this war, we would be in a much stronger position to face the future.

The Coast Guard continues to deliver services without complaint in spite of the shortages of funds provided to them and the difficulties and dangers in their job.

I wish other government participants would demonstrate the same level of commitment. The Coast Guard seizes drugs as the U.S. Coast Guard. Today I stand to applaud their efforts and urge this Congress to renew its commitment to this valued service.

Ms. BROWN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding me this time.

It is my great privilege to represent the part of Washington State that borders the southern part of our coastline and the Columbia River. I have had the opportunity to join our Coast Guard crewmen as they go out in the motor lifeboat school on one of the most dangerous river bars in the world, the Columbia River Bar. That is why I am so proud today to join with the Chair and the ranking member in supporting this critical authorization bill.

Our Coast Guard Members save American lives every single day, and they deserve our support. They currently operate what would otherwise be one of the oldest navies in the world, and that should not be so. We need to make sure we give them support when they perform their critical life-saving needs when they work on environmental protection, when they enforce our fisheries laws, and when they patrol our coastline for whatever need they may be called upon to serve.

I am proud to join with the members of this committee and urge passage of this critical legislation.

Mr. LOBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), a long-time supporter of the Coast Guard, who is the very shy, reserved, quiet chairman of the Committee on Energy and Commerce.

Mr. TAUZIN asked and was given permission to revise and extend his remarks.

Mr. TAUZIN. Mr. Chairman, as a former chairman of the Subcommittee on the Coast Guard and Marine Transportation, I want to have a huge incredible appreciation and admiration for the work of the young men and women of our United States Coast Guard.

I have seen firsthand incredible sacrifices and the extraordinary valor and courage they exercise every day in saving lives and interdicting drugs and opening up seaways and keeping our waterways safe and keeping the traffic that is critical to international trade in and out of our harbors without colliisions and damage and oil spills and all the other things, the incredible number of missions that they perform on a daily basis without a whole lot of thanks and without a whole lot of expectation of reward.

But it is time we recognize something: that the sons and daughters of American citizens, who serve in the United States Coast Guard and who daily save lives and save us from human suffering with their drug interdiction and who save damage and destruction in our harbors and keep safety in these critical national commerce areas, that these men and women too often work with outdated and outmoded equipment and that their lives are at risk unnecessarily. It is time we put some real resources into upgrading and updating the equipment, the boats and planes and the equipment they use to carry out these extraordinary missions.

I was on a flight one time in a Coast Guard plane whose engine gave out on us, and communication was lost, and I thought we were all gone for a little while. That should never happen to any young man or woman who volunteers for service in the United States Coast Guard. Let us today, in this vote, declare with a ringing sense of appreciation the gratitude of the American people through this Congress for the extraordinary sacrifice and service of the young men and women of our United States Coast Guard. In spirit let us dedicate ourselves to making sure that as they save lives, as they perform the incredibly important missions we have assigned to them, that we make their lives as sacred as the lives they are saving, that we protect them with better equipment and better boats and better planes.

Mr. Chairman, I wholeheartedly urge the passage of this bill.

Ms. BROWN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I want to thank the Committee on
Transportation and Infrastructure, both the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the ranking member of the subcommittee, for bringing this bill forward. And I am glad to now have a colleague who is in the chair of the House Committee on Commerce, because I served with him in my first term in Congress on the Subcommittee on Coast Guard and Navigation when we had a Committee on Merchant Marine and Fisheries.

I rise in support of the authorization that recognizes the United States Coast Guard and provides the necessary funding so that our waterways will continue to be the safest in the world. And I would like to speak briefly about the impact the Coast Guard has on not only Houston but also on the Port of Houston that I am honored to represent. The Houston-Galveston Vessel Traffic System, or the VTS, is located in Galena Park, Texas. That Coast Guard facility plays a key role in maintaining maritime safety and efficiency in the Houston-Galveston region, which includes the Port of Houston.

The Port of Houston represents the largest petrochemical port in the United States. It has the largest volume of foreign tonnage of all U.S. ports and the second largest in combined tonnage and serves over 7,000 vessels a year. Acting as a communications hub, our VTS accomplishes its mission by providing accurate, relevant, and timely information to mariners, port authorities, facility operators, and local, State, and Federal agencies. This information prevents vessel collisions, groundings, and consequently reduces the loss of life, property, as well as environmental damage associated with these incidents.

We basically have an industrial port. Our VTS information is also shared with waterway managers, mariners, and advisory groups to better understand the port's waterway systems and to make improvements to vessel routing and safety.

Our area is also served by a Coast Guard Marine Safety Office that protects the lives and the properties of all of us that enjoy and benefit from not only our industrial port but the boating public. I congratulate our local commander, Peter S. Simons, and the 46 men and women under his command for their excellent job and performance.

Mr. Chairman, I encourage passage of this bill.

Mr. O'BONDO, Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time and for his leadership on this matter, as well as the ranking member.

Mr. Chairman, I am fortunate enough to represent Staten Island and the Port of Brooklyn, that portion which is the gateway to the Port of New York and New Jersey, one of the largest most active ports in the entire world. I am also privileged to represent one of the largest and most active marine transportation activities New York is the largest operational field command in the Coast Guard. Its responsibility stretches from Long Branch, New Jersey to New York City, up to the Hudson River to Burlington.

I have come to appreciate over the last several years, and we have heard it here but let me add my voice to the chorus of those commending the dedication and the commitment and truly the love and honor of their job, the men and women serving in the United States Coast Guard. We have heard about the law enforcement. Indeed, they are saving kids, they are preventing drugs from hitting our streets. When I appointed my staff, just last year we had an oil spill off the shores of Staten Island. There was the potential to damaging our beaches at a critical time of the year. The Coast Guard, without hesitation, was on that scene and curtailed what could have been a big problem. So they are out there protecting the environment.

Above all, they need resources to do the job that they do so well every single day. So I commend all the Members who have shown a true passion to supporting the Coast Guard because they are out there for us. They do this job without real call for attention, without the desire to be heard. They do it for us, they do it for America, and I think it is wonderful that we are finally taking a moment, this Congress, to say we appreciate the job you are doing; we are going to give you the tools you need to do the job you do so well.

Mr. Chairman, when men and women willingly and with honor serve our country, then without a moment's hesitation we should respond in kind. And so I add my voice to the chorus of those who truly appreciate what the Coast Guard does.

Ms. BROWN of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. Mr. Chairman, re-claiming my time, I appreciate the work of the gentleman from Indiana. He has again demonstrated once more his genuine concern in international affairs and hemispheric affairs, and I greatly appreciate his interest in Cuba and the role that Cuba and the United States would be making a sound investment by bolstering our presence in the region and working toward mitigating Cuba as a transit point and a gateway for the influx of illicit and dangerous narcotics imported in ever-expanding amounts into the United States.

I am hopeful that the committee will address this matter in conference in the years ahead, and I thank the gentleman from Minnesota for yielding me the time.

Mr. OBERSTAR. Mr. Chairman, re-claiming my time, I appreciate the work of the gentleman from Indiana. He has again demonstrated once more his genuine concern in international affairs and hemispheric affairs, and I greatly appreciate his interest in Cuba and the role that Cuba and the United States Coast Guard in providing for a wide variety of maritime activities throughout the broad scope of law enforcement, humanitarian, and emergency response duties.

I also commend the committee for working in a bipartisan manner to increase funding in the bill by $300 million above the President's request to ensure that the Coast Guard can continue to operate in a complex and dangerous maritime environment characterized by rapidly changing security threats at home and also abroad.

The Coast Guard's counter-drug missions are critical to achieving the national drug control strategy goals: to increase funding in the bill by $300 million above the President's request to ensure that the Coast Guard can continue to operate in a complex and dangerous maritime environment characterized by rapidly changing security threats at home and also abroad.

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States together can play in drug interdiction. He has certainly made a valiant effort in this regard. I greatly respect his mission to Havana just recently.

The committee has worked for years on the problem and what we have found is that when the Coast Guard or any of our drug interdiction entities in the Federal Government clamp down in transit zones, say in the Caribbean, drugs pop up on the West Coast. When we move assets to the West Coast, they move assets to the Caribbean. It is a very delicate balancing act.

The Defense Department is also rethinking their role in the counter-drug mission. The Coast Guard now has law enforcement detentions on U.S. Navy vessels working in the Caribbean and off the west coast, which have been of great value to our war on drugs, and we have come to see the drug interdiction effort as a national security measure for the United States.

So the question of where to deploy these assets and how to balance them between the Caribbean, the west coast, the east coast and, frankly, the U.S.-Canadian border, which my district borders on, and how they are becoming an everyday point for drugs, is a very delicate matter.

We will continue our efforts to provide the Coast Guard with the resources they need in high-endurance aircraft, high-endurance cutters, additional personnel to participate in the already highly successful interdiction effort of the Coast Guard on drug smuggling efforts, and I will certainly bring to the attention of the Coast Guard the gentleman’s recommendation for additional personnel in the Havana office.

We look forward to working with the gentleman as we proceed not only with this bill but with the regular authorization bill when further policy issues will be addressed, and I thank the gentleman for his contribution.

Mr. LOBIONDO. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), the former chair of the Subcommittee on Coast Guard and Navigation, a Member of this body whose name is synonymous with support of the Coast Guard over the years. We affectionately refer to him as the Master Chief. He has been in my district, the second district of New Jersey, with me, to visit the Coast Guard Recruiting Training Center. But more importantly he trained there, so he knows it very well.

Mr. COBLE. Mr. Chairman, I thank the gentleman for his generous introduction, although unfortunately I was never Master Chief, but I like to claim that honor.

Mr. Chairman, I want to put a different face on this, because we have heard so many comments in praise of America’s oldest continuing seagoing service. I want to put a different face to it.

A man once said to me, he said, “The Coast Guard is the invisible service. Never hear about them.” Well, we never hear about the Coast Guard unless we happen to be in distress and we need to be rescued by professionals. I spoke to a man who was once rescued, I spoke to him moments after the rescue, and he said to me, “That Coast Guard cutter looked like an angel of mercy coming to me,” and then he began to weep softly. They are indeed the angels of the Coast Guard cutters, the Coast Guard aircraft, what they do is legendary, but it is often times invisible.

I have gone to Memorial Day and Veterans Day services across the land. My good friend, the gentleman from Alaska (Mr. YOUNG), said we appreciate all of the services, Army, Navy, Air Force and Marines. Those four will be recognized; the Coast Guard inevitably will be omitted. I went to a Veterans Day service in my district 4, 5, 6 years ago, and sure enough the inevitable happened, the four services were recognized by the playing of their respective hymns, but nothing about the Coast Guard.

Mr. Chairman, I went to the music director of the school that day. I asked about the omission. She said, I do not have the music. I said, It is the most beautiful marching hymn of the services. Now, I am not completely objective about that, Mr. Chairman. She said, Get me the music and I did.

The next year, the Coast Guard hymn was the first one played. She came to me and she said, Are you satisfied? I said, Yes, indeed.

But oftentimes folks do not recognize that the Coast Guard is one of our five armed services. Years ago the Coast Guard was the beneficiary of Navy hand-me-downs. I am not putting down the Navy for this, We were glad to get them and made the most of what we had. Now it is a little better. We still get hand-me-downs, but part of the problem from years gone by, many of the Coast Guard spokespersons would come up here and say, We can get along with $5 million; we do not need $99 million.

Mr. Chairman, the other services were waiting to take that overflow. Now I think that attitude has changed. The Coast Guard comes up here more and more to say, We agree with their budgetary needs, but to make it clear, matter of factly, what is needed to keep those search-and-rescue missions going, and to keep those drug interdiction raids successfully executed. I want to be able to recognize, and many do not, and it is not their fault because oftentimes the Coast Guard is omitted, we need to be aware that there are five armed services in this country, and the Coast Guard is equally important, as are the other four.

The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) have addressed this issue well. They have said this is a service whose time has come to be fully and openly recognized as a vital cog in the armed services wheel. I commend those who have brought the bill to the floor today, and I thank the gentleman from New Jersey for his generous introduction.

Mr. LOBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN) for the purpose of a colloquy.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as you know, on December 11, 1998, a great tragedy occurred on Lake Michigan. The fishing vessel Linda E. and her crew of three were out working hard, pulling in fish off Port Washington, Wisconsin.

The Linda E. never came home. After 18 months of wondering and worrying, the Linda E. was located in 260 feet of water at the bottom of Lake Michigan. A Coast Guard investigation determined that the vessel was struck by an integrated tug/barge. The accident resulted in three unnecessary deaths and one of the crew members of the barge lost his license.

There are two specific issues that relate to this tragedy and other tragedies like it that I would like to work with the subcommittee and the gentleman from New Jersey (Mr. LOBIONDO), the chairman, on. First, this accident could have been prevented if the barge had been required to have a collision-avoidance radar detection system on board. Unfortunately, it did not.

Mr. Chairman, I would like to work with the subcommittee to further explore the issue of requiring vessels of this size operating on the Great Lakes to install some collision-avoidance technology.

Second, while the Coast Guard follows a level of the procedures required under law with respect to the investigation of the Linda E., I, along with the family members of the Linda E. crew, would like to explore ways to clarify the investigation and recovery process. We would hope to work closely with both the Coast Guard and the subcommittee on this matter.

Would the gentleman from New Jersey, the chairman, be willing to devote some of the time of the subcommittee to look at these matters?

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I want to thank the gentleman from Wisconsin for his continuing interest on this very important issue. The sinking of the Linda E. was a terrible tragedy. We will be pleased to work with the gentleman to explore his suggestion that collision-avoidance radar be mandated on barges operating in the Great Lakes and to look at the issue of Great Lakes maritime safety and response to maritime accidents in general.
Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from New Jersey for his consideration and look forward to working with him to ensure that the safety of all vessels operating on the Great Lakes is of utmost importance.

Ms. BROWN of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Scott).

Mr. SCHROCK. Mr. Chairman, the goals of the Coast Guard are straightforward: supply maritime safety, provide maritime security, protect our natural resources, facilitate maritime mobility, and support our national defense. Fulfillment of these goals is essential for commerce and the safety of Americans, but they come at a price.

The Coast Guard fleet of ships and aircraft is aging and requires rebuilding. They have implemented a strong recruitment program that now requires an increased focus on training for new recruits.

The Coast Guard has also taken on increased responsibility in refugee and drug traffic interdiction. These and other new missions require additional personnel, funds, and I am glad that we can supply the Coast Guard with the needed resources to meet these tasks.

With over 78 million recreational boaters and over 250,000 maritime workers in the U.S., the Coast Guard’s mission of providing maritime safety cannot be neglected. In fiscal year 2000, the Coast Guard saved over 3,000 lives in imminent danger.

A recent rescue success story demonstrates the courage and dedication of the Coast Guard. As an example, a 110-foot tugboat and its three crewmen sent out a distress call in the middle of a blizzard with snow, ice, freezing rain, and near subzero visibility in the Chesapeake Bay.

The Coast Guard took a 41-foot utility boat from Coast Guard Station Cape Charles, Virginia, and after a long period of time were able to rescue these people, knowing that their lives could be lost as well.

Mr. Chairman, these guardsmen were not required to dispatch that day, but they did, and they entered the high seas in a boat not equipped to embark on such conditions. This is quite unusual for the men and women of the Coast Guard.

When the brave crew of this mission were congratulated for their successful mission, Third Class Boatswain’s Mate Scott Palmer modestly said, “Coasties do this every day.” And they do.

We must get the brave men and women of the Coast Guard go out on obsolete vessels. We must provide them with safe and up-to-date means of transport in negotiating our waterways and shores in order to protect the people who travel these waterways every day.

Mr. Chairman, this legislation we are considering today authorizes $5.4 billion for Coast Guard operations for fiscal year 2002. This represents a sorely needed increase of $1.39 billion.

Mr. Chairman, I thank the gentleman from Alaska and the gentleman from New Jersey for supporting this increase in personnel and support this bill which protects our commerce, our national security, and the American people.

Mr. LOBIONDO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG) for the purpose of a colloquy.

Mr. SHADEGG. Mr. Chairman, I rise to address the tragic issue of carbon monoxide deaths on lakes around the country and in any body of water.

A little under a year ago, two young boys, Dillan and Logan Dickey, ages 8 and 11, died tragically swimming off the swim-step of their houseboat on Lake Powell. That triggered a study that revealed that there have been at least nine deaths on Lake Powell alone, and a total of over 111 injuries on that lake in my State. Following that, there had been a study by NIOSH which has documented at least an additional 30 deaths and 107 injuries.

Mr. Chairman, these deaths are caused by the intake of carbon monoxide, both to people onboard boats and people swimming off the swim platforms of houseboats on various lakes.

It was my intention to offer an amendment today to require the Coast Guard to perform study of these carbon monoxide deaths and to study not only how they could be prevented by adding the correct venting mechanism to the boats but also how the carbon monoxide detecting devices, which are on many of these boats, could be improved so that these tragic deaths do not occur.

Over the past seven seasons, nine deaths and 111 injuries on Lake Powell alone, 30 more deaths and 107 injuries on other lakes besides Lake Powell. These are based solely on voluntary reports.

Mr. Chairman, the gentleman from New Jersey (Mr. LOBIONDO) conducted a hearing on this issue, and I commend the gentleman for doing so. At that hearing, the heart-wrenching testimony of the parents of Logan and Dillan Dickey brought this issue home; but there are many others. This is the NIOSH study discussing the 30 deaths on other lakes besides Lake Powell. I hold press reports of deaths on bodies of water around the country. This documents the death that the gentleman from Louisiana spoke about in that State.

Mr. Chairman, it is extremely important that we study these deaths and find out the cause of them. The Coast Guard has been given a grant of money to study these deaths; but, unfortunately, I believe it is critically important that we put language in the law that study be complete; that they study not only the cause of the deaths so we can end these tragedies, but also study the mechanism to improve the carbon monoxide-detecting equipment on these vessels.

Mr. Chairman, my understanding is the gentleman from New Jersey will work with us hopefully through the passage of this legislation; and if not, I will introduce this language requiring such a study for the safety of all recreational boaters in the country.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, as the gentleman indicated, we have had quite a bit of testimony on this issue already. I understand how important this issue is to recreational boaters throughout the country, and I pledge to work with the gentleman to include language in the next maritime bill developed by our committee.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in strong support of this legislation.

In 1976, a young man 16 years old took the family out for a sail off the coast of my district. After capsizing several times, his judgment became impaired, and he decided to swim for it. In 1976, Mr. Chairman. He dies May 26, he had only about a half hour to live. Body temperature fell; went through a classic near-death experience, and eventually passed out.

Mr. Chairman, this young man woke up inside a Coast Guard vessel from the auxiliary station out of Wilmette, Illinois. He asked the guardsman if he was going to live or die, and the man said, I do not know. But thanks to the prompt rescue of the Coast Guard, that young man survived.

Mr. Chairman, I am that young man. Every day of my life after my 16th year is a borrowed day given to me by virtue of the United States Coast Guard. It is a difficult thing to say for a Navy man, but the Coast Guard saved my life, and that is the essence of their mission here.

The kind of life-saving that happens off the coast of the 10th Congressional District of Illinois is critical because Lake Michigan, most months of the year, is lethal due to temperature. It is the kind of work carried out by Air Station Waukegan, now providing life-saving services via helicopter throughout the entire south Lake Michigan region.

Mr. Chairman, I am incredibly supportive of the Coast Guard. I strongly support this legislation. But for the Coast Guard, I would not be here.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Illinois, whose story is indicative of the work that the Coast Guard has done for so many years throughout the Nation and that does not get the attention that it deserves. The men and women of the Coast Guard put themselves in harm’s way every day. What I think America fails to realize is that it is a branch of
the military that saves civilians every day. There is not a day that goes by that lives and property are not saved. There is not a day when America is not benefited by the work of the Coast Guard, the men and women, whether it is drug interdiction, whether it is fighting fires, whether it is responding to a national emergency or aiding other branches of the military. Our examples go on and on and on.

Mr. LEWIS of Kentucky. Mr. Chairman, the Coast Guard provides a number of vital services to protect and defend our Nation’s coastal areas and waterways. H.R. 1699 provides funding to conduct search and rescue efforts, vessel safety compliance, as well as wildlife promotion and protection. I am particularly supportive of the funding increases provided through H.R. 1699 that will increase the Coast Guard’s drug interdiction operations.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to show my strong support for H.R. 1699, the Coast Guard Authorization Act of 2001, sponsored by my colleagues DON YOUNG of Alaska, JAMES OBERSTAR of Minnesota, FRANK LOBIONDO of New Jersey, and CORRINE BROWN of Florida. As you know, this bill would authorize appropriations for the Coast Guard for fiscal year 2002 in six main areas: operating expenses; acquisition, construction, and improvement; research, development, test, and evaluation; retired pay; alteration of bridges; and environmental compliance and restoration. In addition, it sets end of the year strength levels for active duty personnel and establishes military training levels.

As a member of the Armed Services Committee and as a representative from a State with a substantial Coast Guard presence, I have had the opportunity to witness the efforts and initiatives of the essential life-saving mission of the U.S. Coast Guard. For over two centuries, it has been saving lives from Maine to Guam. Last year alone, the Coast Guard saved over 65,000 lives and assisted over 130,000 people, over 11,000 environmental cleanups, and over 130,000 pounds of cocaine. However, the U.S. Coast Guard is being asked to do more with less.

In my own State of Connecticut, the Coast Guard employs over 900 active members, in addition to the cadets at the U.S. Coast Guard Academy in New London. There are also sizable search and rescue stations in New London and New London Harbor, as well as a research and development center in Groton. I would like to commend the outstanding work of the Congressional Coast Guard Caucus, chaired by my colleagues BILL DELAHUNT of Massachusetts, GENE TAYLOR of Mississippi, and HOWARD COBLE of North Carolina. I strongly agree with its assertion that unless the Coast Guard’s current budget crisis is dealt with in a timely fashion, the Coast Guard may be forced to make devastating service accommodations, reduce hours at sea, consolidate small boat stations, and compromise its other crucial missions.

Based on the Congressional Coast Guard Caucus’s findings, it is clear that certain pressing problems require immediate attention. First, the Coast Guard has assumed a variety of increased responsibilities—from drug interdiction to fisheries management to environmental cleanup—while other services, they have been unable to adequately compensate its personnel, causing many of its best and brightest to leave the Coast Guard for the private sector. Second, although the U.S. Coast Guard is currently the seventh largest naval service in the world, its cutter fleet is also one of the oldest—currently 40 years of its cutters, they tenders and aircraft are reaching the end of their life expectancy. Unfortunately, with its budget rising insufficiently in real dollars in the past, the Coast Guard has not been able to address capital improvements.

This Coast Guard Authorization Act will help address this situation by authorizing $5.4 billion for Coast Guard programs and operations. According to testimony by Admiral James M. Loy to the House Subcommittee on Coast and Maritime Transportation, the fiscal year 2002 budget request will help to restore the readiness of Coast Guard personnel while ensuring that all of the agency’s missions are performed at a level that can be sustained by its infrastructure. In conclusion, I applaud the past efforts and services of the U.S. Coast Guard, and I urge all of my fellow Members to vote with me in support of this bill.

Mr. SIMMONS. Mr. Chairman, I rise today in strong support of H.R. 1699, the “Coast Guard Authorization Act of 2001.”

I have the honor of representing the Second District of Connecticut, home of the U.S. Coast Guard Academy. Through the years, I have had the opportunity to witness firsthand the excellence of the Coast Guard. On any given day, we average, our U.S. Coast Guard saves 14 lives. It conducts 180 search and rescue missions. It sells $7 million worth of illegal drugs out of our country. It responds to 32 oil spills or hazardous chemical releases. It stops hundreds of illegal aliens from entering our country.

So in a year, that is over 4,000 lives saved, over 65,000 rescue missions, $2.6 billion in illegal drugs stopped from entering America’s streets, over 11,000 environmental cleanups or responses to pollution, and the stopping of tens of thousands of illegal aliens entering our country.

Indeed, in addition to this, it also is involved in conducting local boat safety courses, port inspections, support of U.S. military and humanitarian missions, and more, all with the stewardship of the resources that should make taxpayers very proud of their investment in the world’s finest Coast Guard.

The bill before us today will allow the Coast Guard to continue its unique, multimission capabilities that are characterized so well by its motto, “Semper Paratus—Always Ready.”

I want to complement Chairmen YOUNG and LOBIONDO for moving this bill forth and for their long-time commitment to, and support of, the U.S. Coast Guard.

As vice chairman of the Coast Guard and Maritime Transportation Subcommittee and a die-hard supporter of the U.S. Coast Guard, I urge my colleagues to support this authorization bill.

Mr. GOSS. Mr. Chairman, too often the great role the men and women of our Coast Guard play in up keeping our national security is overshadowed by the larger Department of Defense.

Certainly, their funding is insufficient and they are operating under conditions that hold them back from doing all they can do. By supporting this rule and the underlying legislation, we have the ability to recognize and add the importance of the Coast Guard to our Nation’s security and well being. Its responsibilities are varied and numerous ranging from protection of natural resources to search and rescue to stopping the drug trade at sea and more.

Since 1790, the Coast Guard has been defending the United States in times of war. With the $300 million increase in operating expenses, the Coast Guard will be able to continue to support the armed services. This additional money, among other things, provides the needed fuel and maintenance to fully employ their cutters and planes to keep seafaring Americans safe on the open waters and fulfill myriad other missions. In full utilizing the Coast Guard’s resources and improving their assets, our shoreline and our Nation at large will be safer and the war on drugs will be fought even harder.

Despite aging equipment and low funding levels, the Coast Guard has demonstrated its commitment to winning the war against drugs. In fact, in the first 6 months of 2001, over 60,000 pounds of cocaine has been seized. This success indicates the Coast Guard is well on its way to matching and even surpassing last year’s record-breaking confiscation.

Illegal drug activity is creeping into all corners of the United States and the Coast Guard must be commended for their achievements to date in stopping illegal drugs before they hit American soil. Funding provided in H.R. 1699 is a step in that direction.

A special aspect of the Coast Guard’s budget for fighting the war on drugs is the “Deepwater Program.” This program exemplifies the Coast Guard’s ability to look ahead and plan for the constant battle against the drug traffickers at sea. The goal of this program is to update the Coast Guard’s fleet and allow it to keep up with illegal activities in the waters off our shores. Currently the Coast Guard’s ships and planes are not fully capable of stopping the high-tech drug world. The $338 million targeted for the Deepwater project will provide needed funding to acquire certain improved assets. If we are serious about success, it is imperative that we provide funding to enable the Coast Guard to do its many missions. I urge my colleagues to support this rule and the underlying legislation.

Mr. CRESNASH. Mr. Chairman, I rise today in full support of H.R. 1699, the Coast Guard Authorization Act of 2001. This authorization would increase the Coast Guard’s funding by $845 million over last year’s appropriation, an amount that is vital to correct persistent funding shortfalls over the past years. The bill also provides $338 million to implement the Coast...
Guard’s Integrated Deepwater System, a program that will enable the Coast Guard to replace and modernize its fleet of offshore assets.

As a member of the Coast Guard Caucus and Representative of a coastal district, I see firsthand the vital role played by our Coast Guard in protecting our national resources and providing for our national defense and ensuring the mobility, security, and safety of our maritime community.

A key provision of this bill will increase the Coast Guard’s personnel endstrengths, a requirement in protecting the Coast Guard’s ability to protect our borders from drug smugglers. In Fiscal Year 2000, the Coast Guard set a maritime seizure record of more than 60 metric tons of cocaine. Drug smugglers have become increasingly sophisticated through the use of small, extremely fast boats that are difficult to detect by the larger, slower moving fleet of Coast Guard vessels.

Commandant of the Coast Guard, Admiral James M. Loy recently stated that, “We know that we are sustaining our operations only through the heroic efforts of our people, but faced with tired and aging platforms, depleted inventories, stretched logistics and support systems, even our heroes are getting tired.”

This bill will give our Coast Guard personnel the tools, benefits and capabilities to provide a vital and effective defense for the citizens of our national interests and resources. I ask my colleagues to fully support this bill and support the heroes of the U.S. Coast Guard.

Mr. LoBIONDO. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BASS). All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 1099 is as follows:

H.R. 1099

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 “Coast Guard Authorization Act of 2001.”

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2002 for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,682,838,000, of which—

(A) $25,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

(B) $5,500,000 shall be available for the commercial safety program in.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aeronautical and associated equipment related thereto, $659,323,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

(B) not less than $338,000,000 shall be available to the Coast Guard only to implement the Coast Guard’s Integrated Deepwater System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,722,000, to remain available until expended, of which—

$5,500,000 shall be deriving each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 38, United States Code, $16,927,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,466,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $15,927,000, to remain available until expended.

SEC. 3. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) Active Duty.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2002.

(b) Modal Training Student Loads.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2002, 250 student years.

(2) For flight training for fiscal year 2002, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2002, 300 student years.

(4) For officer acquisition for fiscal year 2002, 1,000 student years.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. BIGGERT. Mr. Chairman, I offer an amendment—

SEC. 4. ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.

(a) Assistance.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

(b) Cost.—

(1) FEDERAL SHARE.—The Federal share of the cost of the project carried out with assistance under this section may not exceed one third of the cost of the project.

(2) NON-FEDERAL SHARE.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(A) the value of land and existing facilities used for the project; and

(B) the costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated units.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002, to remain available until expended.

Amendment No. 4 offered by Mrs. BIGGERT. Mr. Chairman, I intend to ask unanimous consent to withdraw my amendment at the end of my time; but before I do, I would like to explain its purpose and then enter into a colloquy with the chairman of the Subcommittee on the Coast Guard and Maritime Transportation.

Simply put, my amendment authorizes funding for the Federal share of a Federal-State-local partnership to build a maritime safety station along Chicago’s lakefront. The House congressional district does not encompass any of the Chicago lakefront. I, like most Illinoisans, am concerned about the area’s safety needs. Many of my constituents sail on Lake Michigan, and the U.S. Coast Guard’s marine safety office is located in Burr Ridge, Illinois, in the district I represent.

From the Burr Ridge location, the servicemen and women of the U.S. Coast Guard are responsible for commercial vessel safety, marine environmental response, port safety and security, and waterways management for the Illinois River and its tributaries, the Des Plaines River, the Chicago River and portions of Lake Michigan.

Despite this extensive mission, the U.S. Coast Guard has no presence or base of operation in Chicago along the lakefront. The U.S. Coast Guard resources nearest to the Chicago lakefront are in Burnham, or Calumet Harbor, all of which are at least 45 minutes away. Anyone who has visited Chicago knows how much Chicagoans enjoy and take advantage of our beautiful lakefront. In fact, Chicago’s lakefront includes a number of very busy harbors and marinas and hosts a number of important events.

There are approximately 95,000 recreational boats registered in the nine-county Chicago metropolitan area, and over 30 excursion, dining, or tour commercial vessels operate out of Chicago. The city of Chicago also celebrates many events, including the Air and Water Show, the Chicago/Mackinaw Sailboat Race, the Fourth of July Fireworks and the Taste of Chicago, and Venetian Night along its lakefront, attracting substantial pedestrian and recreational boat traffic from around the Great Lakes region.

I believe we can enjoy the lakefront with greater safety if we establish a marine safety station along the lakefront. Let us not wait until it is too late. Let us not wait until the Coast Guard finds itself unable to respond in...
a timely fashion to an emergency situation along Chicago’s lakefront.

An intergovernmental group of marine emergency service providers consisting of the U.S. Coast Guard, the city of Chicago’s Marine Police and Illinois’ Department of Natural Resources Conservation Police identified the old Coast Guard station, a facility in a state of disrepair and partially condemned, as an ideal location for redevelopment as a Chicago marine safety station. The U.S. Coast Guard has offered to relocate some of its existing resources including staff and rescue vessels to this facility to provide a more effective response in the downtown Chicago area. The total project would cost $6 million split evenly between the Federal, State and local jurisdictions. It is my belief that the $2 million Federal share is a small price to pay for significantly improving public safety and law enforcement.

I respect the chairman’s wish that this authorization bill not include projects and withdraw my amendment. I believe strongly in the bill that has just been debated, but I would like to engage him in a brief colloquy to ask for his assistance in moving this project forward.

Mr. LoBIONDO. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. I would be happy to engage in a colloquy with the gentlewoman from Illinois.

Mrs. BIGGERT. Will the gentleman work with me and other interested parties to include authorization for this much-needed project in future legislation to be considered by the subcommittee and full committee?

Mr. LoBIONDO. Yes, I would like to assure the gentlewoman that I will work with her and other Members of the Illinois delegation, the State of Illinois, the City of Chicago, and the United States Coast Guard to give this project full and fair consideration in future legislation and ensure that the safety needs of the Chicago lakefront are met.

Mrs. BIGGERT. I thank the gentleman very much for his efforts.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TRAFICANT:
At the end of the amendment add the following:

SEC. 11. REQUIREMENT TO CONSTRUCT ONLY AMERICAN-MADE VESSELS.

Any new vessel constructed for the Coast Guard with amounts made available under this Act—

1. shall be constructed in the United States;
2. shall not be constructed using any steel other than steel made in the United States; and
3. shall be constructed in compliance with the Buy American Act.

MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that my amendment be modified.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk reads as follows:

Modification to amendment No. 5 offered by Mr. TRAFICANT:

In lieu of the matter proposed on page 1, strike lines 1 through 9 and insert the following:

SEC. 11. REQUIREMENT TO CONSTRUCT ONLY AMERICAN-MADE VESSELS.

(a) In general.—Any new vessel constructed for the Coast Guard with amounts made available under this Act—

1. shall be constructed in the United States;
2. shall not be constructed using any steel other than steel made in the United States; and
3. shall be constructed in compliance with the Buy American Act.

(b) Limitation on application.—Subsection (a)(2) shall not apply if the Secretary finds that the application of that subsection would be inconsistent with the public interest;

(c) Exception for vessels.

(1) if the Secretary finds that the application of that subsection would be inconsistent with the public interest;

(2) if compliance with subsection (a)(2) will increase the cost of the overall project contract by more than 25 percent.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I want to compliment the Coast Guard for selecting a port of entry that when stepped on will be worth more than $12 billion on the streets of the United States of America. I also listened carefully to the wise remarks of the gentleman from Minnesota (Mr. OBERSTAR) when he mentioned the national security issue of narcotics.

I would like to remind this committee that former President Bush created Task Force 6, a military operation that worked in conjunction with civilian forces on our border. I do recommend and will be offering legislative amendments to future national security measures to enhance and reapply to and make Task Force 6 once again a strong and even bigger reality.

Today’s amendment is straightforward. If we are going to be constructing vessels for the Coast Guard, it should be American workers and American steel where at all possible. I want to commend the leadership of the committee: the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentlewoman from New Jersey (Mr. LoBIONDO), who has done a fine job the first time I have seen him on the floor and the excellent work of the gentlewoman from Florida (Ms. BROWN).

With that, I ask that my amendment be passed over without prejudice, be kept in the bill, and I do not get shafted in conference.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota, the distinguished ranking member.

Mr. OBERSTAR. Mr. Chairman, the committee, in bringing this legislation to the floor, had agreed that this is not a policy bill. This is the only policy-type amendment to be accepted on the floor, which I will accept in consultation with the chairman, he will speak for himself on the matter, but because it already is a statement of already existing law in a previous iteration of transportation legislation from this committee in a Surface Transportation Assistance Act of 1982 and the gentleman’s language offered here tracks exactly current law in the Federal aid highway program which has served to protect 60 million tons of American steel in the Federal aid highway program over the last 20 years.

Mr. Chairman, I am prepared to accept the amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to commend then Chairman OBERSTAR in his role in that legislation and for being perhaps the original leader of a Buy American movement in the House.

Mr. LoBIONDO. Mr. Chairman, I would like to thank the gentleman from Ohio (Mr. TRAFICANT) for his determination and energy over the years for his Buy American program. In consultation with the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Alaska (Mr. YOUNG), I am very pleased to endorse and accept this amendment.

Mr. TRAFICANT. Mr. Chairman, I ask for an ‘aye’ vote.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:
At the end of the bill add the following:

SEC. 12. COAST GUARD AIR SEARCH AND RESCUE FACILITIES FOR LAKE MICHIGAN.

AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance of the Coast Guard air search and rescue facilities at Muskegon, Michigan, $2,028,000 for fiscal year 2002.

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Mr. HOEKSTRA. Mr. Chairman, I would like to enter into a colloquy with the gentleman from New Jersey (Mr. LoBiondo), the chairman of the subcommittee.

As the gentleman from Michigan knows, I have filed an amendment to authorize approximately $8 million to the Secretary of Transportation roughly $2 million for the continued operation and maintenance of the Coast Guard air search and rescue facility in Muskegon, Michigan for fiscal year 2002.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, that is correct. I am familiar with the gentleman's amendment's support for the safety of Lake Michigan boaters and the need for additional funds to maintain the operation of the seasonal search and rescue facility in Muskegon?

Mr. LOBIONDO. As the gentleman from Michigan noted, I will work to address with him the matter in my committee as well as express the need for additional funds to maintain the search and rescue capabilities from Muskegon, Michigan.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from New Jersey for his leadership. I look forward to continuing to work together on this matter.

Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.
Mr. Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 1699, including corrections in spelling, punctuation, section number and cross-referencing.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring on the schedule for the remainder of the week and next week.

I would yield to the distinguished gentleman from Ohio (Chairman BURTON) to talk about this issue, as does the Committee on Financial Services. But it is my understanding that we now have the ability to move it to the floor and differences are being worked out.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

If I could make just one other comment, Mr. Speaker, and this is not aimed at the gentleman from Ohio but at the Republican leadership in general; I want to express how angry our caucus is about the way the tax reconciliation bill was handled right before the Memorial Day recess.

Members were kept an additional 2 days here, waiting around for a vote. In fact, I think many know that we were kept waiting all night with a vote promised every hour.

Now, I know these issues are difficult and sometimes they take turns that people do not expect in the negotiation process and by the way, it would have been nice if the Democrats were invited to have participated in the negotiating process which we were kept from. But having said that, let me just say, the American people were also blocked and they knew they were in the bill that would affect our Nation, perhaps for the next 2 decades. Memorial Day, as everyone knows in this Chamber, is a very special and important time for Members to be in their home districts to honor our Nation’s veterans and the activities that surround that honoring.

This is the second time, I will tell the gentleman from Ohio, who may want to relay this to others in the leadership, that this has happened this Congress. We have tried to work with our colleagues in a civil and bipartisan way the best we can. But there is a deep amount of anger about the way this was handled because it was the second time.

I just want the gentleman and the Republican leadership to know that if we are brought into the process, I will say this once again, we will be fine. We will work with our Republican colleagues; we will try to figure this out the best we can. But if we are treated the way we were treated on the tax reconciliation bill, we will be very, very vigorous next time. We want to make sure that the people in this body who serve and represent literally tens of millions of people in this country and hundreds of millions on our side of the aisle, have the opportunity to participate and to know what is going on. It is not meant as something that is going to happen, but I just want the gentleman to know how strongly we feel about this, and I hope my friend from Ohio will share that with the Speaker, with the other leaders of the gentleman’s party; and I will do so, especially when I see them, and have done so when I have talked to them already.

Mr. Speaker, we are very serious about this, and we are trying to do this in a reasonable way; but when we are
shut out and we do not have a voice and we are kept guessing the way we were leading up to the Memorial Day recess, we can play that same game and we can tie this place up and we can create a situation that will be totally unpleasant for everybody else in this Chamber. We prefer not to do that, but we do not want it done to us. I will just leave it at that; and I thank my colleague, and I wish him a very happy and a good weekend.

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, first of all, I appreciate the gentleman’s candor, as usual. I will say that there was frustration, of course, on both sides of the aisle with that process; and many Members who waited for those votes and spent the night in their offices probably felt that same frustration. It was the most comprehensive tax legislation in a couple of decades and there were a lot of complications working with the other body, including members of the gentleman’s party. But the point is well taken with regard to the frustration.

We, of course, had hoped that we could have kept to a more tight time schedule. It ended up not being possible, given all the complexities of moving the most comprehensive legislation in this area in a generation. But I appreciate the gentleman’s comments and, again, his candor, as usual; and I look forward to trying to better work together in the future on these legislative projects.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

ADJOURNMENT TO TUESDAY.

JUNE 12, 2001

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, June 8, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, June 12, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL 5 P.M., JUNE 8, 2001, TO FILE H.R. 2052 FACILITATING FAMINE RELIEF EFFORTS AND A COMPREHENSIVE SOLUTION TO THE WAR IN SUDAN

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until 5 p.m. tomorrow, June 8, 2001, to file a report to accompany H.R. 2052.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1305

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Pennsylvania (Mr. GREENWOOD) as a cosponsor of H.R. 1305.

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

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE 107TH CONGRESS.

Mr. FOLEY. Mr. Speaker, I offer a resolution (H. Res. 158) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 158

Resolved, That the following named Members be and are hereby, elected to the following standing committees of the House of Representatives: Government Reform: Mr. Duncan. Science: Mr. Gilchrest. Small Business: Mr. Shuster. Transportation and Infrastructure: Mr. Ney to rank after Mr. Baker; Mr. Culberson and Mr. Shuster.

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

There was no objection. A motion to reconsider was laid on the table.

A FOND FAREWELL TO PAGES OF THE HOUSE OF REPRESENTATIVES

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

Mr. SHIMKUS. Mr. Speaker, it gives me great pride to recently have been named chairman of the Page Board; and one of the official duties is to say goodbye to the current page class, which graduates this Friday, which is tomorrow. So I would like to ask them to come down, I want you to fill in these seats, the first three rows of seats right up here. Come on down.

Mr. Speaker, as a reminder of what we are seeing here, we are seeing 69 individuals who hail from the United States and are representative samples of what is good and great and stupendous about America. They are representative of various Members of Congress who have submitted their names. They have endured the arduous year process of actually being employees of the Clerk of the House while attending school, getting to know each other, living together and, as we just heard in the colloquy with the leadership of both sides, the Democrats and Republicans, sometimes enduring very long hours and late nights as they get an opportunity to see the legislative process unfold. Much like sausage, it tastes pretty good, but sometimes the process is something to be desired.

We really appreciate your service; and as I address these comments to the Speaker, he knows also that the work that you do is very important here and the work that you do is critical. Many things in Washington, D.C. have historical implications. The page class and the operation of pages goes back 200 years. So this is not any fly-by-night operation that just popped up in somebody’s mind. Your service has been involved in the founding and the establishment and through the various difficult processes of this constitutional republic, and you have been here with us working and learning and, hopefully, this is not the pinnacle of your career.

Hopefully, this is just one stop along the way that will help you continue to add greatness to this country and greatness to this process and the political system, whether that is being a good citizen, being a concerned voter, diligent on the issues, or being involved in the process. We are going to hear from some of my colleagues who will have greater words of wisdom based upon their experience as maybe former pages who were involved in the process.

But I want you to know that as the chairman of the Page Board that we appreciate your service and we wish you Godspeed.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE), the senior member of the Page Board who has been around for many, many years.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding. Indeed, I have been a member of the Page Board for many, many years. Tip O’Neill appointed me to the Page Board in, I think, 1980. I have served as chairman and as ranking minority member. It is interesting, on the Page Board, if I am correct, I think every vote we have ever cast on the Page Board has been unanimous. You really have helped unite us. You serve us so well, and we want to serve you very, very well.
There is a program in this country, a very good program called Close Up, and people come from all over the country and see Congress close up, but no one has seen Congress as close up as you pages. You have seen us at our best and at our worst. We are human beings here. But you have seen something democracy at work. You have seen us work out things, like the education bill, in a very bipartisan way; you have seen other bills not so bipartisan, but you have seen us work. We all come down here with a valid election certificate. As I say, you have seen us at our best and our worst.

The pages really work on three different kinds of arenas here: on the House floor and all of the environs of the House floor; the school, and it is a great school. A former Congressman, Bill Whitehurst from Virginia, a Republican, and I worked so hard together back in the early 1980s to get the school accredited. It is a great school with a faculty over there. And your other arena really is the dorm. You do a good job in all three of those arenas. As a matter of fact, this year, the Page Board has not had to really meet really for any serious problem. You are among the best group of pages that I have had the experience of working with since I have been on the Page Board since 1980, and since I have been in Congress since 1977.

But we know that you operate well in all of those arenas, and I hope you operate very well today, because today you took your final test at school. I think it was your math test. I wish you well on that. I was always glad when I got my math test over with; it was one that challenged me the most. But I am so proud of each and every one of you.

I had two sons who were pages, and they later entered the Army and left the Army as captains. One just got his master’s degree, MBA, from the University of Michigan about 2 weeks ago; and the other is having a decision whether to go flying or to go abroad or to stay here, of raising and lowering the flags in the corner with calculus books and Spanish books trying to prepare for college next morning at 6 a.m. when it is far too late in the evening here. But I hope that maybe you have some other special memories of friendships made here, of raising and lowering the flags on this great building, that inspire you to continue to serve this wonderful country.

Many of you probably come from small towns across America. Maybe some of you have never had a chance to travel or to go abroad or to live in a big city before you came here, but I hope that in last year you have learned that your Nation needs you, that your community needs you, and that there is a nation beyond the towns that you came from that wants you to serve. I want to thank all of you for your time here.

Mr. SHIMKUS. Madam Speaker, I yield to the gentleman from New Mexico (Mrs. WILSON), a new member of the Page Board.

Mrs. WILSON. Madam Speaker, I am a recent addition to the Page Board, so I have not gotten to know this class as well as I probably will get to know the next. But on behalf of the Members of the House, I want to thank all of you very much for your service.

I know some of the nights have been long. Those pages run back and forth between the far corners of Rayburn and Cannon to the floor late at night may have sometimes seemed routine, but in the midst of the things here, there is the great work of the Nation going on, and we thank all of you for having been part of it.

I am very much a believer that you learn by doing and that you learn by serving. You are all the great young people taking advantage of a wonderful opportunity to come here and go to school, and serve for a year and learn for a year about how our Nation’s government works and runs, and sometimes does not run. I hope you have enjoyed the experience, and that you can build on what you have learned here and go back to your communities and continue your service.

For those who may be watching at home and looking to see whether their son or daughter or grandson or granddaughter are here, whether they see their faces here, they know this but many do not, that there are 70 high school juniors that serve here in the Congress every year. They go to school here in the Library of Congress, one of the greatest educational knowledge that this country has. At the same time, they are employees of the House.

You are a very special group of students, and you are all part of a very unusual high school experience which will be part of your lives forever. You will be asked in college and beyond college, what was it like to be a page? And I hope you have some stories to share with people who ask, particularly young people who ask, because you are now not only graduates of the Page School but role models for others who will follow.

I hope you are a very special group, and I hope you have special memories, special memories beyond the cafeteria food, and special memories that are better than the O’Neill Dorm. You are the last class to endure the dorm in the O’Neill Building.

I hope you have special memories that are more than late nights. I have seen more than a few of you back there in the corner with calculus books and Spanish books trying to prepare for college next morning at 6 a.m. when it is far too late in the evening here. But I hope that maybe you have some other special memories of friendships made here, of raising and lowering the flags on this great building, that inspire you to continue to serve this wonderful country.

Mr. SHIMKUS. Madam Speaker, I yield to the gentleman from Maryland (Mr. HOYER), who is a lover of the institution and follows the operations of the House, and has a great fondness and affection for the work that you do.

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

Many of you probably come from small towns across America. Maybe some of you have never had a chance to travel or to go abroad or to live in a big city before you came here, but I hope that in last year you have learned that your Nation needs you, that your community needs you, and that there is a nation beyond the towns that you came from that wants you to serve. I want to thank all of you for your time here.

Mr. SHIMKUS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), who is a lover of the institution and follows the operations of the House, and has a great fondness and affection for the work that you do.

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

I am so proud of each and every one of you. I am so very proud of you, as I was proud of my two sons when they served here as pages. I wish you well. Goodspeed.

□ 1315

Mr. SHIMKUS. Madam Speaker, I include for the RECORD the names of the pages.

LIST OF PAGES OF THE 106TH-107TH CONGRESS

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Mr. SHIMKUS. Madam Speaker, I include for the RECORD the names of the pages.
June 7, 2001

I was President of the Maryland Senate back in the 1970s, before you were born. I have done so much before you were born that I feel old at these times. But as President of the Maryland Senate, with the Speaker of the Maryland House, we ran the page program.

The program was not as extensive as this. It was not a year-long program. The Maryland General Assembly meets for 90 days a year. But some of the top students in Maryland from each of the counties were selected to serve each early and 1 week late. It is a 10-week session, actually about a 14-week session, and you get to serve early, when it is not so busy, and you get to serve late, when it is very busy.

You have, of course, gotten the spectrum: a residential program, as was said; going to school a year; and serving on the floor with all of us. You are a critical part of the work process of the House of Representatives. We need you here to do some of the work that you can and can facilitate the legislative policymaking process of this House. But much more importantly, in my opinion, you have, as has already been referenced, been given an experience that is relatively unique, that is a formative period of your age group will ever get.

Our Framers created this House as the people’s House, essentially as the bedrock of our democracy, elected every 2 years to be the direct voice of the people of the United States of America, correctly viewed around the world as the most vibrant, vital democracy in the world. What a privilege that is.

It has been said that of those to whom much is given, much is expected. What I try to say to the page classes is that you have been given an opportunity that few others have been given. You know and I know that your parents and friends and others sometimes are preoccupied with their responsibilities and duties. And you know that the Pagans on a daily basis live, work, and go to school here at the Capitol. Their day begins with school, starting at 6:45 a.m., and ends with the completion of legislative business on the House floor. And as we know, that could be anywhere from 5 o’clock in the afternoon to 6 o’clock the next morning.

By serving as a page throughout the academic year, you have sacrificed your time with your family, friends, school activities, and the like. I think you have made here, and I think you have gotten this, I think you have, therefore, a particular responsibility to go home to your parents, to your friends in the community, to your classmates at school, to your community at large, and hopefully bring the experience that you get at the Capitol does in fact work and they can make a difference.

You have special knowledge. I hope that you feel a responsibility to impart that knowledge, that observation, your observations to your institution to the people of the country, which is so important, you have an opportunity to learn something about yourself during the course of this year.

For many, for most, it is probably the first time away from home on an extended period of time. You are here in the Nation’s Capital, a great city in which to live and to work and to have the experience of a year.

You had no idea last September when you came who you were going to be this time. You have been thrust together with people that come from all over the country: from high schools and communities large and small, from little rural farming communities, from large cities in our land. You are placed altogether, and in a very real sense, you are a group of our country because you represent all these different districts of our country.

You have an opportunity in the course of this year to really learn something about yourself, to learn about some of your shortcomings, but you also learn about your endurance and learn about what you can do, and you grow in this process. In the process of growing and of maturing, you become a better person.

You also become a person who can carry, as the gentleman from Maryland (Mr. HOYER) said, the message about this program and about the House of Representatives and about your government out into the world as you go forth from here.

So from this experience, you will go back to your schools, finish your high school career. You will go on to colleges. In this group, as I look at them, I know that we are going to have successful Members of the United States Congress, well one or two maybe; but most of you will be businesswomen and businessmen, professionals, lawyers and doctors. Maybe you will be artists. Maybe you will do something that is in no way connected with government or politics.

But you will be citizens of this country. You will be citizens of this country, you understand you have a responsibility. You have a responsibility to care about the country, and you have a responsibility to care about those around you.

So if I could urge you to do one thing, it is to maintain the friendships that you have made here, and I think you will find that the most valuable part of this experience. Maintain those friendships, keep that e-mail flowing.
June 7, 2001

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between each of you, as I know you will be the moment you leave here on Saturday. Keep that e-mail flowing. Keep in touch, come back, get together, join together once in a while, and watch yourselves grow as you go through your professional careers and your fellow classmates go through their professional careers, and you get married, you have families, you have your own children. Probably somebody is going to have a child that will be a page here someday in the not-too-distant future.

So this has been a wonderful experience for you. Yes, we have gotten a lot out of it. You help us a great deal. But most of all, you have an opportunity to learn a great deal about yourselves; and as I have watched you grow during the course of this year, I know you have learned a great deal about yourselves.

So I just want to say thank you. Thank you for what you have done for us. Thank you for the friendship you extend to us. Thank you for that warm smile you give us when we come on the floor, for the help that you give us every day. Thank you for what you do in your communities with your own families and your own schools. Thank you for the role models that you play in those communities. You are going to continue to do that. I am very grateful to you for it.

I want to say I wish you well. Godspeed.

Mr. SHIMKUS. Madam Speaker, I want to thank the gentleman from Arizona (Mr. KOLNÉ), my friend.

I wanted to mention that I graduated from West Point. It is supposed to be a leadership school. One of the best pieces of advice I ever received was you go through 4 years of interacting with a lot of different people. The advice was, take what you saw, what was good and remember that; and the interaction I did not think was very good, kind of pledge not to respond that way, not to use that type of a model. Use the good role model.

I think that is sound advice because we all are very diverse individuals who come from diverse backgrounds with diverse personalities. I mention that as an introduction to the gentleman from Florida (Mr. FOLEY) who I am going to ask to come up who I know has a vested interest in taking time out to make sure he talks with you and visits with you and gets to know you. That is a personal trait that you should emulate. He has been successful, and I know it is from his heart. So I am glad he joined us again.

Madam Speaker, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Speaker, I, of course, am delighted to be here today, and I do take a special interest in each and every one of you. You never know when you may run for President in the United States, so I may need some help in a lot of different districts. I am just kidding and I would ask that be stricken from the record, because that may appear in my hometown paper as a rather ambitious statement from this gentleman from West Palm Beach, Florida. And having been through the last election, I simply do not want to repeat it, nor cause any more controversy for Palm Beach County.

Kristin, I saw her tears in her eyes, as many of you do, boys and girls alike, because this is both an exciting day in your life and I am certain a sad one. You came here, and as other classes do, frightened, nervous, excited, and yet motivated that you have been selected to be the best and brightest of your hometowns.

Throughout the year, you had to take some kidding, some grilling, some jokes, and I will not get into it. You all know who have been the subject of my inquiry. I did not know they made boots that size. How much hair gel have you used today, Robert? Ryan was the other one. I did not recognize him. He left there on Friday. I will leave that name off. I did not know you wore an earring. Does your dad know, or mom? No, not really.

Those little things that you did while you were away from home for the year are really incidental to what you have learned and accomplished. You persevered, I am certain, lonely to leave your friends, but knowing you have been given a special chance to serve your country.

I always know when a former page is writing me because they oftentimes do not put a return address on the front of the envelope. They merely sign their name largely on the left-hand margin as Members of Congress appear on the right. That is their franking privilege that they hope will be used in the future.

Some of you are, in fact, ambitious and want to serve in politics, as the gentlemen from Arizona (Mr. KOLNÉ) said. Some of you are already using House stationery.

Christopher, thank you for your note and invitation to the graduation. He signed it "future colleague." Christopher Sprowls from Florida. I am certain Mr. Trandahl, as our fine Clerk, will not get to see that particular note so we cannot charge you with a violation of House rules. But a lot of you get a kick out of the pins and the perks and the privileges.

One of the other speakers before the page program began complained a bit about the confusion in the last night of the tax deliberation. Kind of interesting, I do not think I remember seeing any Members around here at 3:00 in the morning, but I do remember quite a few pages.

Aaron, I think, was sleeping in one of the phone booths, as I recall, vigorously pursuing the academic excellence that they have all achieved. I said "Aaron, is it comfortable in there?" I have never tried to sleep in the booth. I make light because I have to, because otherwise I would cry, too. I have to make these little jokes and little digs at you all because, in my heart, I know it is a sad day because I know you leave us and a new class will come and will repeat the cycle of the page life. At the same time, you never do form particularly for me. Then I first arrived in 1994, there that were in that class that still correspond and still keep in touch.

I have celebrated their graduation from college. I have celebrated their lives as they started their occupations, some yet continuing in college, going to law school and other things. I hope I will be able to get to see the Speaker since Robby is no longer at the desk letting me in as he used to so frequently. "Yes, he is in there, Mr. FOLEY. You can go in now." Thank you, Rob. I always appreciated those courtesies, bud.

But to all of you, congratulations. Of these friends back here I tell you, you are going to miss Miss Sampson. You are going to miss Mrs. Ivester. You are clearly going to miss Mr. Harroun and Mr. Oliver. I know so many times those beaming faces when those four individuals, and there are others, teachers included, would confront you with one of your latest creative comments or ideas of how to better run the page program of the House.

I know that I speak for the entirety of the House of Representatives that your service here is important. I know at times you felt like runners merely sent to do errands, but you really are a tremendous part of the life on Capitol Hill, your hill.

I know Peg is back there in the corner, and she was crying earlier. I witnessed that. In fact, I got a report from Gay in the front, she said I think Ms. Sampson is crying. So you have got all these friendships back here I tell you, I know I am not supposed to gesture, but I have to suggest, and I know Jeff Trandahl was with us and is still, the Clerk of the court who has to supervise and maintain operations and good grace over you.

But God bless you. Good luck. Work hard. Go home and be, not only representatives of this Congress now, but also representatives to inspire in your friends that there is a better way to serve this Nation, that serving in Congress and a free democracy is a joy, a privilege and a pleasure.

I thank you for taking time away from your homes, your families, your lives, your legends and classmates to be part of this wonderful, miraculous challenge of being a page.

Willy, good luck. God bless you all. Take care. Thank you.

Mr. SHIMKUS. Madam Speaker, I want to thank the gentleman from Florida (Mr. FOLEY). I do not know if he did a Freudian slip. He called the Clerk of the House the clerk of the court. Maybe it was probably true for some of his dealings with you all, as I am beginning to understand.

Probably another former alum who probably understands the clerk of the
court is probably the gentleman from Virginia (Mr. TOM DAVIS) who I would like to talk about his experience and how it relates to what he is doing now.

Madam Speaker, I yield to the gentleman from Virginia (Mr. TOM DAVIS). Mr. DAVIS. Madam Speaker, when the gentleman from Florida (Mr. FOLEY) talks about sometimes it looks like you are just feeling like you are just running errands, that is what we feel some days as Members doing back and forth as well. I just want to say today congratulations and thank you for a job well done over these past few months.

I was a page up here from 1963 to 1967. In those days, you could stay more than 1 year, and I stayed for my complete tenure during high school. The day after 8th grade I started, and the day before I went to college I finished. It paid pretty well in those days. You could live at home, and my family was right across the river in Northern Virginia.

But you learn a lot of things. One is to try to bring some balance to a very busy life, and I hope you have learned something about time management with this. This may confront you throughout your life, in college, in your careers. If you can just take away from here that understanding of how important it is to organize and get things done, it is going to put you in great stead as you move through life.

I hope you have a great appreciation and love for this institution, which is what I had when I left. Whether you decide to go into politics or decide to be a refrigerator repairman, it does not make any difference as long as you understand the complexities of government, understand what Members face, what the staffs face and how the system works, it will give you this appreciation, will make you a better citizen.

Maybe it will inspire some of you, from what the gentleman from Florida (Mr. FOLEY) was saying it already has, to perhaps run for office someday. My appreciation led me to run for office, first at lower levels of government and then finally coming back here as a Member.

You have been here through some very, very interesting times. Think of it, over a 4-year cycle, you are the ones who got to see a change in the President, you got to see the counting of the electoral votes here in the House, and I do not think we had anything since 1877 that is anything close to this, and you got to witness that. You got to see a swearing in of a new Congress and the changes that that brought to passage of some landmark legislation. You have gone through a lot of late nights, some very stressful times and the excitement, the ups and downs that you get in a job like this.

I do not know how many of you spent the night in a phone booth. It is not very pretty used to that as well.

I just hope that your experience here will inspire you to continue to stay active in government and continue to stay active in helping you fellow citizens. That is ultimately what this is about. This is the way that we give back to our communities and try to make a limited number of dollars to go a long way to help the most people in the community. I hope you will dedicate a good part of your lives to doing that, whether it is in the political or the volunteer or the professional side as you move on.

I want to say, I hope this experience will help you get into the college of your choice next year. It is a nice resume enhancer. Good luck and God-speed to all of you, and thank you for a job well done.

Mr. SHIMKUS. Madam Speaker, I thank the gentleman from Virginia. A great representative of what your institution brings to service in this country is the service that the gentleman from Virginia (Mr. TOM DAVIS) has done in his time as a Member of Congress.

We are looking forward to you filling some of our shoes in the future. You are our investment in this experiment that we call a constitutional republic. We want to thank you for your service. Now we want you to go out and help make this country a better place.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Ms. HART) laid before the House the following resignation as a member of the Committee on Science:


Hon. J. DENNIS HASTERT, Speaker of the House of Representatives, Washington, DC.

DEAR Ms. SPEAKER, I hereby resign from the House Committee on Science to accept one of the three vacant seats on the House Transportation and Infrastructure Committee. My service on the Science Committee has been worthwhile and rewarding, but as you know, members cannot serve on four committees, so I must step down to change my committee assignment. My highest legislative priority is to help expand the Katy Freeway in west Houston, and I need to serve on the Transportation Committee to expedite the expansion of this vital freeway.

Thank you for supporting my request to change committees, but above all, thank you for your principled conservative leadership of the U.S. House of Representatives.

Sincerely,

JOHN CULBERSON, Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

SPECIAL ORDERS

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

PRESIDENT BUSH AND INCREDIBLE WHITE HOUSE FORM LETTER COMPUTER

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Madam Speaker, I rise to pay tribute to a remarkable automated and superbly efficient computer system in the Capital of this Nation. Madam Speaker, this computer network is extraordinary. It tracks and it responds to the correspondence of more than 500 people. I would note that it is so powerful it is able to keep track of not only the incoming mail from these people on a wide variety of issues but it is also able to respond to each and every one of the people and each and every one of the letters with an identical form letter, which, if you will note, is changed only with regard to the subject matter.

I am not describing a top-secret computer lab at CIA, nor am I describing NASA's computer network at Cape Canaveral. No, Madam Speaker, this computer is located at 1600 Pennsylvania Avenue. This afternoon I rise to discuss this computer and the remarkable White House form letter that it generates.

I share with my colleagues the opportunity to have interacted with this amazing machine on more than a dozen occasions. Each time I have written to President Bush, I have received an identical response. Whether the topic is the energy crisis or election reform, I get the same letter back. More than a dozen letters to date, each faithfully signed by the President's aide, Nicholas Calio, unless Mr. Calio has used an autopen.

I wrote the President about HMO reform. I received the following: "Thank you for your recent letter regarding a bipartisan Patient Protection Act. I have shared your letter with the President's advisers and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention. Thanks again, Nicholas Calio."

I wrote the President on education, veterans, environment, trade and foreign affairs. I again received the same letter. I say to President Bush, "Thank you." And to you, Nicholas Calio, "Thank you. Your computer serves you well. It has moved the science of computers forward to newer and higher levels."

I would note that with such close attention to detail, it is hard to fathom how the United States ever lost our seat on the United Nations Human Rights Commission. How on earth could our allies be unsatisfied with diplomatic dispatches such as the I have shared your letter with the President's advisers. Your comments are receiving close and careful attention."
Indeed, the existence of such a superior computer system response makes the departure of Senator Jeffords from the Republican Party all the more puzzling. How is it possible that that distinguished Senator from Vermont could become so disenchanted with the White House when it uses such an advanced computer system to communicate with Members of the House and the Senate? How could Mr. Jeffords or any other Member of the Congress become disenchanted with such careful and precise personal attention from President Bush? Were the words, “Your comments are receiving the close and careful attention of the appropriate agencies” simply not enough?

I would like to point out one of the examples of this splendid computer’s responses to Members of Congress. I would note, however, that my policy since I was elected to the Congress a number of years ago has been to personally respond to each letter I receive from over half a million citizens of the 16th District of Michigan and to give as substantive a response as is possible to do. Clearly, that idea is out of date at the Bush White House.

We all know that President Bush, You have shown us a new way. Thank you for changing the tone in office and your tone in Washington. Thank you for identical form letters from your amazing computer. At least when I write the White House I know I will get a response. It may be unresponsive, but I will get it nonetheless.

Seventy days ago, on March 28, I wrote Administrator Whitman of the Environmental Protection Agency seeking information about her decision to weaken the new protective standard for arsenic in drinking water. This is a health issue affecting millions of Americans. I would note I received no answer. A month ago I sent a similar letter seeking additional information from Ms. Whitman about her arsenic letter seeking additional information from Ms. Whitman about her arsenic.

Now, it would appear that the White House could inform Administrator Whitman that stonewalling Congress is bad policy and that she should be responding if only with a form letter. In any event, it appears the Bush administration has this wonderful policy which needs to be chronicled here. It is either a form letter or no response at all.

Madam Speaker, I will place in the Record these wonderful examples of computer science in the hope that my colleagues will be able to share perhaps their thoughts on similar events.

DEAR REPRESENTATIVE DINGELL: Thank you for your interest in writing. Thank you for your recent letter regarding funding for the FY 2002 budget for the pediatric graduate medical education (GME) program.

I have shared your letter with the President’s advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thank you for your interest in writing.

Sincerely,

NICHOLAS E. CALIO, Assistant to the President and Director of Legislative Affairs.


Hon. JOHN D. DINGELL, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your interest in writing. Thank you for your recent letter regarding funding for the Elementary School Counseling Demonstration Act.

I have shared your letter with the President’s advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thank you for your interest in writing.

Sincerely,

NICHOLAS E. CALIO, Assistant to the President and Director of Legislative Affairs.


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Sincerely,

NICHOLAS E. CALIO, Assistant to the President and Director of Legislative Affairs.
THREE HOUSES—WASHINGTON, DC

Hon. JOHN D. DINGELL
House of Representatives.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding the delay in responding to your letter.

I have shared your letter with the President’s advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THREE HOUSES—WASHINGTON, DC

Hon. JOHN D. DINGELL
House of Representatives.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding the recently implemented medical privacy standards and the Department of Health and Human Services in 2000.

I have shared your letter with the President’s advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

THREE HOUSES—WASHINGTON, DC

Hon. JOHN D. DINGELL
House of Representatives.

DEAR REPRESENTATIVE DINGELL: Thank you for your recent letter regarding funding for the McQuaid Jesuit High School baseball team in Rochester, New York.

One week ago, Mike coached the Knights to their first sectional title in 20 years. It was the 250th victory of his coaching career, the team’s fourth championship game in 5 years, and Coach Fennell’s first sectional title. Indeed, these accomplishments are worthy of note, but they are even more remarkable considering just days before the championship game in Rochester’s Frontier Field, Mike Fennell was in a hospital bed recovering from yet another surgery in his valiant crusade against non-smoker’s lung cancer.

Since his diagnosis in November, Mike has faced this disease bravely, stubbornly, and even with a good dose of humor. His struggle has been so valiant and inspiring that following Mike’s hair loss, resulting from ongoing chemotherapy, the McQuaid Knights wanted to do something special to show their support, love, and respect for their ailing coach, and that is when the team, led by pitcher Mike Lewis and catcher Paul Knittle, decided to shave their own heads.

I have shared your letter with the President’s advisors and the appropriate agencies who have been formulating policy recommendations in this area. Your comments are receiving their close and careful attention.

Thanks again.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President and
Director of Legislative Affairs.

TRIBUTE TO MIKE FENNELL

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

Mr. REYNOLDS. Madam Speaker, in sports today, words like courage and character, leadership and perseverance are used so frequently they have become almost cliche. Sometimes, a story emerges that rekindles our faith in the indomitable will of the human spirit, which proves a sports figure can embody those traits and more, and which inspires not only a team but an entire community. Such is the case in a story of Mike Fennell, coach of the McQuaid Jesuit High School baseball team in Rochester, New York.

One week ago, Mike coached the Knights to their first sectional title in 20 years. It was the 250th victory of his coaching career, the team’s fourth championship game in 5 years, and Coach Fennell’s first sectional title. Indeed, these accomplishments are worthy of note, but they are even more remarkable considering just days before the championship game in Rochester’s Frontier Field, Mike Fennell was in a hospital bed recovering from yet another surgery in his valiant crusade against non-smoker’s lung cancer.

Since his diagnosis in November, Mike has faced this disease bravely, stubbornly, and even with a good dose of humor. His struggle has been so valiant and inspiring that following Mike’s hair loss, resulting from ongoing chemotherapy, the McQuaid Knights wanted to do something special to show their support, love, and respect for their ailing coach, and that is when the team, led by pitcher Mike Lewis and catcher Paul Knittle, decided to shave their own heads.

A baseball standout at Fairport High School and Le Moyne College, Mike spent several years in the New York Yankees organization, helping them win the World Series in 1998. Mike has been recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, Champion Coach Mike Fennell is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, to do a little bit from my energy out- rage day to day, where yesterday I revealed that Duke Power had charged $3,800 a megawatt hour last winter in California, 100 times the price of 2 years ago, to point to a little growing problem of dissonance on the majority side of the aisle.

Republican conference chairman, the gentleman from Oklahoma (Mr. WATTS), has called on the Committee on Energy and Commerce to schedule hearings on the volatile prices facing energy consumers. I quote:

We need to get answers from energy companies, executives, including producers, suppliers, refiners, transporters, distributors, retailers, with the goals of finding solutions to these price fluctuations and bringing price stability to the public.

Unfortunately, he is being overruled. The majority leader, the gentleman from Oregon (Mr. DEFAZIO), is opposed to committee hearings to look at allegations of price gouging, that is a quote, by the energy industry. He says it is cheap political demagoguery. That is another quote.

Well, let us look a little bit at the record. Of course the majority leader does represent Texas, and ExxonMobil did see their profits up 102 percent last year. Americans certainly see it at the gas pump every single day where they are being price-gouged. They had $15.9 billion, “B” billion dollars of profit, up 102 percent in one year. But, no, there is nothing to investigate. There is no market manipulation going on here. An increase of profits of 102 percent a year, why, that is normal.

Okay, maybe it is. Let us go and look at the natural gas market. El Paso Energy, also based in Texas, where the majority leader hails from, they had profits of $1.2 billion last year. A relatively small company; only $1.2 billion in profits. Their profits were up 381 percent in 1 year. An awful lot of Americans saw that in their natural gas bills this winter when they...
As Secretary Rumsfeld is completing a comprehensive overall of our defense network, how can we expect anything less than continuous improvement from the way that we prepare the Federal budget? And we have a long way to go.

Everyone I talk to in Washington assumes that budget forecasts we use are setting priorities that are wrong; that they can be way off the mark; that we never are able to estimate correctly what our financial status is.

In 1997, the Congressional Budget Office estimated a $145 billion deficit for fiscal year 1998. We had a surplus of $69 billion. In 1998, CBO predicted a $107 billion surplus for fiscal year 2000; $129 billion below the actual $256 billion achieved. You can see it here on chart number one, where CBO estimates a $211 billion deficit, it was only $107.

Then a $156 billion deficit, it was only 22. The biggest year they made a mistake was 1996; they forecast a $145 billion deficit. We ran a $69 billion surplus. And on and on the errors have gone.

Mr. Speaker, this is no way to fill our elected mandate of keeping the economy strong. There is more at stake than the issue of whose numbers are right. Congress uses these estimates to make key decisions about tax policies that encourage economic growth, foster entrepreneurship, and reward individuals for seeking opportunities to work, learn, and earn. Inaccurate forecasts end up crowding out uses of other Federal funds. If defense programs produce large cost overruns, then less money is left for new education projects. If the actual cost of Medicare part B programs often exceed preliminary estimates, it becomes harder to build support for new benefits such as a prescription drug benefit. Better forecasts should be a bipartisan initiative focused on the goal of making governmental budgeting more effective.

Some errors of the past can be blamed on estimates that rely on status quo analysis. As we move forward, it is critical to identify what areas of our forecast models are doing an investigation of what is going on. And if they do not do it here in the House, I predict it will happen in the Senate. And they might just have a little bit of egg on their face here when more and more of this economic growth and market manipulation comes out. Because the American people know what is happening to them. They know it every day when they pull up to the gas pump and they know it when they are opening their electric bill and when they get their natural gas bill, and they are not going to take it for much longer any more.

We need a comprehensive investigation. The Bush administration’s own Federal Energy Regulatory Commission has found these prices unjust and unreasonable. The staff, unfortunately, by the chairman is appointed by the President, Mr. Hebert of Louisiana, and the chairman says, like our majority leader from Texas, there is nothing to investigate here. This is just the market at work, and consumers should just lump it up.

Well, the Republicans are going to lump it up at the ballot box unless they follow the advice of their conference chair. The Speaker pro tempore (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, we must hold forecasters accountable for the accuracy of their projections. As we are asking for straight A performance out of our public schools, we must also ask that out of our budget forecasters. We want better and more efficient use of energy resources.

CONGRESSION MUST HOLD FORECASTERS ACCOUNTABLE FOR THEIR PROJECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, we must hold forecasters accountable for the accuracy of their projections. As we are asking for straight A performance out of our public schools, we must also ask that out of our budget forecasters. We want better and more efficient use of energy resources. Congress passed the Deficit Reduction Act, which temporarily reduced the long-term capital gains holding period from 12 months to 6 months, making it easier for investors to qualify for preferential treatment. Investors reacted, and quickly. Capital gains realizations in 1985 were twice the amount in 1984. However, investor euphoria was short-lived. Congress repealed the capital gains deduction as part of the Tax Reform Act of 1986. Our budget experts prepared status quo estimates that anticipated large Federal revenue gains from a higher capital gains tax. Quite the contrary happened. Tax realizations tumbled in 1987. Budget estimators were confounded by the fact that taxpayers acted to avoid taxes. Chart 2 shows the reaction.

We projected a $329 billion deficit and we have $643 billion. We projected a $329 billion and we have $643 billion. We have just passed one of the largest tax relief packages in U.S. history without the benefit of real-world analysis that effectively forecasts the turning points that we can use.

Under the current House rules, the chairman of the Committee on Ways and Means has the right to request real-world forecasts, and the Joint Committee on Taxation must provide them in a timely manner. This should be required, not optional, and should be used for all tax bills.

The chairman of the Committee on Rules has introduced a capital gains tax reduction bill. Consider how a status quo analysis would misguide us on estimating that legislators could be implementing that legislation. Our budget statements will be required, not optional, and should be used for all tax bills.

The recent history of the capital gains tax policy shows the shortcomings of status quo analysis. In 1986, Congress repealed the capital gains deduction as part of the Tax Reform Act of 1986. Our budget experts prepared status quo estimates that anticipated large Federal revenue gains from a higher capital gains tax. Quite the contrary happened. Tax realizations tumbled in 1987. Budget estimators were confounded by the fact that taxpayers acted to avoid taxes. Chart 2 shows the reaction.
June 7, 2001

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

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor a young man from Virginia’s Eleventh Congressional District, Alan Webb, a senior at South Lakes High School in Reston. Perhaps you have been reading about him in the newspaper.

Mr. Speaker, it has been said that it takes many years to become an overnight success, and this is certainly the case with Alan Webb. I saw him for the first time compete in the Foot Locker Challenge in Charlotte, North Carolina, in 1999, and in the cross-country field he ran way ahead of the pack. He is an outstanding young man.

But Alan achieved national recognition in May when he competed in the 27th Prefontaine Classic at the University of Oregon. This is considered one of the premier races in the sport of track and field. Alan finished a remarkable fifth against some of the finest milers in the world. But even more remarkable, his time was 3 minutes 53 seconds, a new record for the high school mile.

The previous high school mark of 3 minutes 55 seconds was set 35 years ago in 1966 by my friend and colleague, the gentleman from Kansas (Mr. RYUN). Let us put that in perspective. An 18-year-old broke a 36-year-old record in what many consider to be the most exciting event in track and field.

His performance at the Prefontaine Classic electrified those in attendance. A large crowd anticipating Alan’s record-breaking bid rose to their feet when Alan’s name was announced. And their cheers were even more deafening when his time was posted at the race’s end. He made no secret of the fact that he hoped to set the record at this event, putting an exclamation point on what was already an exceptional high school career. His accomplishment, in this sense, was Ruthian: He set the highest possible goal, and he achieved it.

What is most commendable, perhaps, is the grace with which Alan has accepted his fame. He has said that he knows his mark will one day be broken as well. He has publicly recognized all those who have helped him reach such heights: family, friends, coaches, and teammates.

As I noted earlier, Alan may have achieved new levels of public recognition by breaking the high school record, but the determination was evident long ago.

In June 2001, Alan joined his South Lakes teammates at the Virginia AAA Track and Field Championships at Virginia Commonwealth University in Richmond. They competed in the 4x
relay, where Alan’s team placed fourth. He also competed in the 800 meter race, shattering the State record in that event by 2 seconds, finishing in 1 minute 47 seconds.

Alan will be attending the University of Michigan in the fall. He realized that he had only a few weeks left in high school and is enjoying every moment. His down-to-earth demeanor has allowed him to keep his achievements in perspective, as fans and friends now ask for pictures and autographs. He looks forward to greater success in the future.

Mr. Speaker, in closing, I ask my colleagues to join me in congratulating Alan. It is especially pleasing to have the gentleman from Kansas (Mr. Ryun) with me on the floor here today. I appreciate the class with which he has passed his torch to Alan, and I am sure Alan does as well.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. Ryun).

Mr. Ryun of Kansas. Mr. Speaker, I thank the gentleman from Virginia for recognizing Alan Webb. It is an honor to be a part of this, and I want to congratulate Alan’s parents as well, Steve and Susan, and his brother, Chris; his coach, Scott. They have all participated in a plan that has been very successful.

I met Alan about 3 years ago for the first time when he broke my then-sophomore record and continued to watch his improvements along the way. He has developed his God-given talents to the fullest. He has a bright future, and he has also given our young people a role model. He has shown that hard work and dedication, those principles work, and with the right planning along the way, you can achieve great things.

I had the opportunity to visit with Alan almost 3 years ago. I encouraged him at that time to surround himself with those people who believed, as he did, that it could be done. There are always people that say it cannot be done. He took my advice. My congratulations to him.

Mr. Tom Davis of Virginia. Mr. Speaker, let me say to the gentleman from Kansas, I appreciate his being here today. For Alan and his family and all of his supporters in the South Lakes community and across the country, we join in this tribute today.

NATIONAL HOMEOWNERSHIP WEEK

The SPEAKER pro tempore (Mr. Platt). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. Clayton) is recognized for 5 minutes.

Mrs. Clayton. Mr. Speaker, I rise to note the advantages and opportunities for homeownership in recognition of National Homeownership Week. There is nothing like owning a home to make the joy, the satisfaction, and the peace of mind that results from owning your “piece of the rock.”

Homeownership is the greatest investment many Americans will make. It offers a means of creating wealth, an appreciating asset, with certain tax benefits. It instills a sense of pride and dignity and helps to revitalize communities. It is something that people want for their dwellings. It helps to make real the American dream. Indeed, the long-term fixed-rate mortgage that so many Americans enjoy is one of the blessings and benefits of living in this great Nation. By contrast, most other nations black out that when times are tough result in instability and even dislocations.

For many years, it has been the public policy of this Nation to promote homeownership. We have passed the laws that make available grants, loans, tax credits and deductions for housing construction and mortgage interest payments and real estate taxes. These laws and our national prosperity of the last 8 years have produced today the highest level of homeownership in the history of the Nation.

However, for many Americans, homeownership remains merely a dream deferred. The record low mortgage interest rates are not sufficient for persons who work full time and earn wages too low to qualify for a mortgage loan. The low rates do not help persons saddled with high debts or bad credit histories. They do not help people who live in communities with an insufficient stock of affordable homes, even though their income in other communities would be sufficient to buy a home. They also do not help those who do not understand the advantages and opportunities of homeownership or how to effectively negotiate the process of selecting a home, applying for and closing on a mortgage loan, and maintaining the home.

I am pleased with the leadership offered by the Congressional Black Caucus Foundation in collaboration with our partners, industry leaders, and community leaders and credit and housing counselors to help identify and educate community leaders and credit and housing counselors to help identify and educate those who may benefit most from homeownership.

This national campaign is called With Ownership, Wealth, WOW. It will make available a variety of flexible products and services that will help to eliminate traditional barriers to homeownership, such as down payment and closing costs, and home buying and consumer credit counseling service to help maintain good credit and to repair credit histories.

In addition to this national campaign, we will continue to conduct regional housing summits like we held in North Carolina in July of 1999, in California last year, and in New York earlier this year. Members of the Congressional Black Caucus also will sponsor in their districts starting this month housing and home buyer fairs. In my district, I will sponsor a home buyer fair Saturday, September 16. We will help our citizens better understand how to become homeowners.

I greatly appreciate the concerns and commitment displayed by our partners and by my colleagues in the Congressional Black Caucus. I want to encourage this effort to each Member of Congress to join us in promoting homeownership. Help us to bridge the racial disparity in homeownership rates. Together, we can combine public and private resources to help remove barriers to homeownership for many Americans across the Nation. Together, we can make real for many Americans the dream of owning their own home and realizing the American dream.
Some would suggest, even after the experience of the last 5 decades, that all economic growth abroad comes at our expense. They seem to think this is a zero sum game. They seem to think that there is a finite amount of money in the world and that for someone to win, someone must lose.

I categorically reject that argument. In the complex web of international trade, other nations are not simply competitors, although that is certainly an important component of our relations also with our customers. They are our suppliers. And, more than occasionally, they are our partners in joint ventures. We depend on them and they depend on us. Or can they?

For 6 years now, the President of the United States, the leader of the free world and representative of the largest single economy on the planet, has lacked the authority to negotiate trade agreements, agreements that could pry open foreign markets, reduce and even eliminate unfair trading practices and create and preserve more jobs here at home. All of this is beyond the reach of the President of the United States.

How did we get into this mess? How did we reach a situation where our government takes for granted our interests that did we reach a situation where our government takes for granted, making it more transparent, provide for a way to address real blue and green concerns and restore the U.S. to its leadership role on the international stage.

A few weeks ago, the President submitted his trade proposal to Congress. In my view, he correctly outlined his goals to expand our export markets while leaving Congress with a great deal of discretion for determining the best approach to America’s leadership role. He also answered this challenge by creating a framework that provides for appropriate oversight of trade agreements before, during and after their completion.

I urge my colleagues to set aside partisan rancor, set aside traditional ideological classifications and consider this bill carefully. I would welcome their efforts to join with me to build a bipartisan coalition to take a new approach to trade in America.

YOU’RE A GOOD MAN, CHARLES SCHULZ

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I am pleased to rise today to honor a Minnesotan whose life work has been enjoyed by children, both young and old, for decades, cartoonist Charles Schulz. Schulz is best known for creating the most successful comic strip ever, the lovable Peanuts comic strip. Since Peanuts was first published in October 1950, literally millions of people all over the world have been entertained by Schulz. I myself have fond childhood memories of reading about the adventures of Charlie Brown, Lucy, Snoopy, Linus, Pigpen and the whole Peanuts gang.

I would like to thank Charles Schulz for his contributions to society and the joy and the laughter that he has brought to all of us. Schulz is being honored here today at a ceremony in the Capitol Rotunda where he will be posthumously presented with a gold medal on behalf of Congress.

As a tribute, I would like to say, “You’re a good man, Charles Schulz.”

The SPEAKER’s TAX CUT

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Texas (Mr. CULBERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. CULBERSON. Mr. Speaker, as a new Member of Congress representing the west side of Houston, Texas following in the footsteps of Bill Archer, the former chairman of the Committee on Ways and Means, I rise today to remind the Nation, the Congress, to go throughout some of the highlights of a remarkable achievement that President Bush, our former Governor of Texas, achieved today in signing a $1.35 trillion tax cut, fulfilling the keystone of President Bush’s campaign pledge to the Nation that he would return to American taxpayers a portion of that tax surplus that they have paid into the U.S. Treasury in excess of the needs of the Federal Government.

Because first and foremost it is a tax surplus, the money that the American people have earned and paid into the Federal Treasury does not belong to the United States Government, it belongs first to the American taxpayer. I took great pride in sitting alongside Chairman Archer today at the ceremony at which President Bush signed that $1.35 trillion tax cut into law.

First, Mr. Speaker, I think it is important for the listening audience, those in the gallery here today as well as those in the listening audience watching C-Span today to put the tax cut, the Bush tax cut, into perspective. In today’s dollars, President Ronald Reagan’s tax cut of 1981 would be equivalent to $5.5 trillion, that 1981 tax cut placed into today’s equivalent dollars in 2001. By comparison, of course, President Bush’s tax cut was only $1.35 trillion. In fact, the Bush tax cut that was signed into law today was, as a percentage of government revenue, even smaller than the tax cut proposed by President Kennedy in 1963.

In fact, another way to look at it would be that the Bush tax cut, which was signed into law today, will reduce government revenues by less than 5 percent versus current law over the next 10 years, or less than a nickel for every dollar collected by the Federal Government. So those in the listening audience who are fiscal conservatives would like to have seen larger, which President Bush would have liked to have seen be larger, but as a result of compromise and working its way through the legislative process, was achieved to be a $1.35 trillion tax cut, that tax cut will only be essentially a nickel out of every dollar collected by the Federal Government.

Even after this tax cut, Mr. Speaker, the tax surplus will be large enough to protect 100 percent of the Social Security and Medicare trust funds. The tax surplus after the tax cut will be large
enough to pay off all available public-ly-held debt over the next 10 years. There will still be enough money, after the Bush tax cut is enacted, to increase government spending by about 4 percent per year, even with inflation over the next 10 years. At the same time we are protecting Social Security, paying off the maximum level of public debt, increasing government spending by about 4 percent per year. After the Bush tax cut is signed into law, we have an opportunity to create a contingency fund to ensure that there is enough money there for additional tax relief or additional spending in the event of an emergency. We have prepared for those contingencies. The tax cut that President Bush proposed and signed into law today is prudent; it is the right thing to do philosophically and economically.

I would quote from, if I could, Mr. Speaker, the testimony presented to the House Committee on the Budget by Chairman Alan Greenspan of the Federal Reserve system on March 2, 2001. I will not attempt to read from it, because it is not as interesting to read testimony like this as it is to paraphrase it, because I remember it very vividly as a new Member of Congress, a new member of the Committee on the Budget, Alan Greenspan, in my mind, is one of the most widely-respected economists, someone whose objectivity and ability is unquestioned by people from the Democrat side of the aisle as well as the Republican side, the chairman, Alan Greenspan, in his testimony to the Committee on the Budget, stated that, in fact, using the projections from the Office of Management and Budget and the Congressional Budget Office, that if current policies remain in effect, that the total surplus will reach about $500 billion in the year 2010, including an on-budget surplus of about $500 billion. In his opinion, analyzing these projections, the surplus will continue well beyond the year 2030, despite, as he says, the budgetary pressures that are facing the coming of the baby-boom generation, especially on the major health programs.

Now, Chairman Greenspan’s testimony is important, Mr. Speaker, because it lays the groundwork for, I think, demonstrating objectively and irrefutably the soundness of the decision that the Congress made under President Bush’s leadership to pass this tax cut, because it is an inescapable, irrefutable fact that there will be record-breaking tax surpluses in the Federal Treasury. The question becomes, what do we do with them?

The chairman of the Federal Reserve went on to testify that these surpluses do lend credibility to the leadership of the President and the National Economists, of Federal Reserve, with a very profound policy decision. The choice is, as Chairman Greenspan points out, what do we do with these tax surpluses? Well, we obviously, in his opinion, as it is my opinion, as it is the opinion of the President and fiscal conservatives here in the Congress, need to first and foremost pay down the national debt.

The national debt, of course, is held in a form of Treasury bonds and other marketable bonds, many of which are overseas. As Chairman Greenspan pointed out, those holders of long-term Treasury securities may be reluctant to give them up, cash them in, especially those who highly value the risk-free status of those issues. In order to induce them to sell their bonds, it will require the American taxpayer to pay those bondholders a significant premium. In Chairman Greenspan’s testimony, he pointed out that those bondholders that premium to cash in their bonds early would require, to quote Chairman Greenspan, paying premiums that far exceed any realistic value of retiring the debt before maturity.

Both the Congressional Budget Office and the Office of Management and Budget project an inability of current services unified budget surpluses to be applied wholly to repay debt by the middle of the next decade.

Without policy changes, Chairman Greenspan pointed out that the Federal Government would begin to accumulate very significant amounts of private assets, meaning stocks in the stock market or types of private assets, which is clearly a policy judgment that he says we need to make and something that holds tremendous risk. To have the Federal Government become, for example, a significant shareholder in General Motors or IBM or some other private companies is obviously not only a dangerous trend from a policy perspective but also, in the chairman’s opinion, something that would lead to changes in the way those private companies are managed, and that, indeed, is a path that he recommends we do not follow.

So if these tax surpluses are not to be used once we pay down the debt, the tax surplus is not to be used to begin to accumulate private assets as, then the question becomes whether the Congress uses the tax surplus to increase spending or to cut taxes.

Chairman Greenspan, in his opinion, after very careful analysis of reviewing fiscal policy for the United States and analyzing the projected tax surpluses on into the future, concluded in his testimony to the Committee on the Budget that, quote, it is far better, in my judgment, that the surpluses be returned to taxpayers rather than by spending increases. He came to that conclusion again, Mr. Speaker, to avoid the possibility of the Federal Government becoming a majority shareholder or even significant shareholder in private companies or in increasing government spending to the point where if there were a reduction in the tax surpluses in the future that we might be faced with a situation where we would need to actually increase taxes.

Those who have been listening to the debate about tax cuts, without seeing the distinguished Member, the gentleman from Illinois (Mr. Kirk), quite correctly point out that the projections of the Congressional Budget Office have been off target virtually every single year over the last 6 years, and those projections of the Congressional Budget Office have typically been pessimistic, and the tax surplus has actually been quite much higher than those forecasts.

To reinforce that point, before I go through in an outline form the highlights of the President’s tax cut, I would like to quote a few highlights from a very important speech that Vice President Cheney gave to the National Association of Manufacturers on February 28 of this year, in which the Vice President laid out several key points which demonstrate conclusively how cautious, how conservative, how prudent it was in preparing the tax cut proposal that he put before the Congress.

Vice President Cheney pointed out that day that, first of all, the Bush administration’s economic growth forecasts were very conservative and were actually below the blue chip forecasts that had been given over the next 10 years. The blue chip forecast, quoting Vice President Cheney, for the next 10 years was about 3.3 percent. The Bush administration used a forecast of about 3.1 percent.

Secondly, the Vice President pointed out that the budget and the forecast used by the Bush administration assumed no increase in productivity in the Federal Government over the next 10 years.

Productivity in the private sector is increasing about 3 percent, and as the Vice President points out, we should certainly expect to see some production increase if tax cuts would grow more slowly than the economy does, which was another conservative bias, as the Vice President pointed out, that was built into the system as the Bush administration projected how large the surpluses are likely to be over the next decade.

Third, the Vice President pointed out that the budget and the forecast used by the Bush administration assumed no increase in productivity in the Federal Government over the next 10 years. But just to be absolutely certain that the projections used by the Bush administration were as conservative, prudent as possible and that we might all be pleasantly surprised by increases in those projections over the next 10 years, the Bush administration did not assume any productivity increase in the operations of the Federal Government.

The fourth critical assumption used by the Bush administration in preparing this tax cut proposal was that they used a static revenue analysis. They did not assume any feedback into the economy as a result of the tax cuts, and clearly there will be. We all know from history that the Reagan tax cuts of 1981 increased government revenue by $2 for every $1 of tax cut that President Reagan was able to sign into law.

The problem was the other party which controlled the Congress at that time, the Democrats, increased spending by about $3 for every $2 of increase
in revenue, and that is what led to the deficits.

The static revenue estimate analysis used by the Bush administration assumed that there would be no increase or stimulation of the economy and no increase in permanent revenue. Clearly there will be growth. So some of the other conservative factors built into the Bush administration's analysis that will probably lead to a pleasant surprise for all of us over the next decade.

Pierre Nussle, Chairman Appropriations Committee, outlined in his speech to the American Association of Manufacturers that the baseline from which the Bush administration calculated the surplus assumed growth in entitlements. He said it can be estimated how big the Medicare population is going to be in 10 years, and all of that has been factored into the projections used by the Bush administration in proposing their $1.6 trillion tax cut; and again the Congress passed a $1.35 trillion tax cut.

Finally, the whole point used by the Vice President in his speech is an important one, and that is that the assumptions, the baseline used by the Bush administration, included all of the President's new spending proposals. Those have all gone into the forecasts used over the next 10 years by the Bush administration.

Having done all of that, the Vice President points out, we then set aside about an $800 billion contingency fund that can be, what we participate may be out there, such as, for example, the additional defense spending that may be necessary as a result of the strategic review; emergencies in agriculture, for example; additional Medicare expenses; other types of emergencies and contingencies that we cannot project. The Bush budget sets forth, sets aside, and the Congress has agreed, the House has agreed that we are going to have, and the Senate in the next day, which I think is logical. The gentleman from Iowa (Mr. Nussle) has put here in the House, and which has been adopted by the Senate and sent on to the President, about an $800 billion contingency fund.

With those estimates in mind, those baseline projections in place, the fact that is irrefutable is that we are going to have a record-breaking tax surplus over the next decade. The question then becomes, what do we do with it?

Also, testimony that we need to use it for tax reduction rather than spending increases and certainly do not want to use that tax surplus to accumulate private assets, such as buying stock in private companies like IBM or General Motors, recognizing all of the conservative factors built into the baseline assumptions used by the Bush administration, the tax cut, the Bush tax cut, clearly is the right policy decision for the Nation and it is the right policy decision for this Congress, and certainly right for the American people.

How will this tax cut affect the average American family? If one paid taxes last year, they will receive a tax cut under the Bush tax cut signed into law today. Every single American who filed and paid taxes for the last tax year will receive a rebate of 5 percent of their first $6,000 in taxable income if they are single, or a maximum rebate of $1,000. For a married couple filing jointly, they will receive a rebate of up to $4,000. If one is married, the head of a household, they will receive a refund check in the mail of about $500. Those checks, we believe, should be able to go out towards the end of this summer.

A married couple filing jointly will receive a maximum tax refund of $600 in the mail from the United States Treasury.

The mechanism to make that happen has already begun, and each and every one of us who paid taxes in this country will expect to receive that tax refund check. I believe by the end of this summer.

So be looking for an envelope from the United States Treasury. It is going to be carrying good news. The only question is how big will that check be, depending on whether you are single, filing jointly, or filing as the head of a household.

You will also see this year a reduction in tax rates. There will be immediately a reduction in the tax rates across-the-board. We will see, for example, small business owners, individuals as small business owners, will see their individual tax rates cut. The 28 percent rate will be cut immediately to 27 percent; the 31 percent rate to 30 percent; the 36 percent rate to 35 percent. These rates will continue to be cut over the next decade.

The marriage penalty is going to be reduced. We are going to see the standard deduction for couples set at twice the level for individuals, which will be phased in over the next 5 years. The 15 percent bracket for couples will be set at the 28 percent level. We are going to see a doubling of the child tax credit, from $500 per year to $1,000 per year.

The adoption tax credit is going to be increased to $10,000 per eligible child. That will include children with special needs. For employers who provide adoption assistance, there is going to be an exclusion from income of up to $10,000 for assistance that people receive from their employers for adoption assistance. Those are all going to make a significant difference for families.

For small business owners, the death tax will be repealed and phased out over the next 10 years. The exemption will go to $1 million in the first year, and then the exemption from the death tax will increase to $1.5 million in the year 2004, $2 million in 2006, and finally $3.5 million in 2009, and then the death tax will be completely repealed by the year 2010.

One question that has been raised that I have heard from constituents, as well as by those who would prefer to spend the tax surplus rather than cut taxes, is that these tax cuts are phased out and disappear in 10 years. The 10-year life-span of these tax cuts is a direct result of the opposition of the Democrats and a direct result of a rule that they placed into effect which is that we would require the President to win 60 votes.

If we were to pass the tax cut and put it into effect permanently, a rule that the Democrats put into effect in the Senate, it is called the Byrd rule that was named after its sponsor, Senate Democrat Appropriations Chairman Robert Byrd of West Virginia, established a rule many years ago that we today would be required to pass the tax cut with 60 votes if it were to have permanent effect.

Well, because of the opposition of the Democrats who want to spend the tax surplus, who do not want us to see a tax cut at all, who have fought the President, almost the Democratic Vice President, he has had the help of some Democrats, but because of the Democrats, it would be impossible to get 60 votes in the Senate to pass the tax cut and make it permanent, so, there is a second procedure that had to be used which only requires 51 votes. That second procedure had to be used because we knew we could get 51 votes for the tax cut, and that second procedure can only give the tax cut a 10-year life span.

But I can tell you, Mr. Speaker and the listening public out there, that if we pass the tax cut and the tax cut is going to be phased out and disappear in 10 years. We will pass that out of the House as soon as possible, and that legislation making these tax cuts permanent will be sent on to the Senate as soon as possible, and it will then be up to the new leadership of the Senate to determine in a very visible and public way whether or not they support permanent tax cuts, or whether they want to see the tax cuts disappear in 10 years. We will give them that option.

I think it is a very, very important point, that we in the House, our Republican President, wanted to make this tax cut permanent, but because of opposition from the other side, we were unable to do so and had to give it a 10-year life-span.

We have in the House, the Republican majority in the House, our Republican President, I think it is appropriate that the American people by electing a Republican House and a Republican Senate, the American people did elect a Republican Senate, and a Republican President, won the election in Florida, George Bush did win the election in Florida, as we all know, the Republican Congress, our Republican President, cut taxes retroactively to the first of this year, and that is a dramatic difference with the previous administration and the Democrat control of this Congress. While they raised taxes retroactively, we were able to raise taxes retroactively. It is a dramatic and important difference, and one that we absolutely should not forget.
In fact, I hope that all of those who are listening to this debate today, those at home on C-SPAN as well as those in the gallery, I can tell you as a new Member of Congress, the Congress is not as partisan a place, there is not as much partisan bickering as the national press would have you believe. All of us in the Congress are working in an honest and diligent way to represent our districts as best we can.

There are honest and important differences of opinion of principle that we believe in very passionately that have made us Republicans or Democrats, and I would urge everyone listening today, whether they be at home or here in the gallery to remember that George Washington, our Nation’s probably second most significant and important Founding Father, Thomas Jefferson believed that his most important achievement in his life was being a partisan Republican. It is something we should all be proud of, to be a Member, whether it be in the Democrat Party or Republican Party, to stand up for our principles that we have chosen to jural political parties, because they represent our viewpoint.

This tax cut proposed by President Bush in his campaign on which he was elected, on which the Republican Congress was elected as a cornerstone principle that President Bush has fulfilled that promise. That tax cut represents a core philosophy, which is what led us to become Republicans, one that led me to become a Republican, as a believer in limited government, in limiting the size, power, and cost of the Federal Government and returning power to the States, in paying off the national debt as rapidly as possible, is certainly my highest national legislative priority. To pay off the national debt, to cut taxes, to cut the taxes for the people and return the money they send to the Federal Government are my top two legislative priorities.

My highest local legislative priority is to clear the FM 1960 Freeway through West Houston, Interstate 10, which is in such disastrous shape that I often think of it as a rolling blackout in West Houston every morning and afternoon. We have got terrific schools, safe streets, a thriving economy, but terrible transportation problems in West Houston.

I as an individual Member of Congress have those priorities and those principles that matter to me, that led to my election by the people who worked hard to see me elected to represent them in West Houston and succeed Chairman Archer, and those core principles are what led me to become a Republican. It is something I am very proud of.

I can tell you that the passion that I share for the principles of the Republican Party, the passion that my colleagues share for their belief in the Democratic Party, was a point of great pride to Thomas Jefferson.

I would close, Mr. Speaker, by quoting from a letter that Mr. Jefferson wrote towards the end of his life in February of 1826, just a few months before his death. As Mr. Jefferson was reviewing his long and wonderful life, he looked back over the many, many years of public service that he had performed, and remember that his public service was, in his mind was his greatest achievement.

Those of us, if you visited Monticello and you visit Thomas Jefferson’s grave, people are often surprised to see that he has only listed on his tombstone that he was the author of the American Declaration of Independence, that he was the author of the Virginia Statute of Religious Freedom, that he was the father of the University of Virginia.

Mr. Jefferson listed those things because he wanted to be remembered by the things he had done for the Nation, rather than by those things that the Nation had done for him, by honoring him by electing him to a number of different offices. We do better way we can be remembered than by the service we perform for our country.

Mr. Jefferson, in this letter from February of 1826, a few months before his death, reviewed his long life and all the offices he held. He pointed out that he came of age in 1764; that he was nominated to be a judge in the county in which he lived; he was then elected to what we would call the State legislature of the State of Virginia, the Virginia Assembly; he was then elected to the State legislature of the State of Virginia, the Virginia Assembly; he was then elected to the original Congress of the Confederation; he then went to work in revising and reducing the whole body of the British statutes and the Acts of the Virginia Assembly, working on a recodification of Virginia law.

Mr. Jefferson was then elected Governor of Virginia. He was then elected to the legislature once again and to Congress again. He was sent to Europe as the American Minister to France. He was appointed by President George Washington as our Nation’s first Secretary of State.

Thomas Jefferson was then elected Vice President, and then President in 1800, and finally, he says, I was elected as a Visitor and Rector of the University of Virginia.

These different offices, he says, with scarcely any interval between them, I have been in the public service now 61 years, and during the far greater part of that time in foreign countries or other States.

He goes on to point out that all of those services, of everything that Thomas Jefferson did in his life, he says there is one, there is one service which is the most important in its consequences of any transaction in any portion of my life, and he says that was the head that I personally made against the Federal Principles and Proceedings during the administration of Mr. Adams.

In modern parlance, in the language of the year 2001, Mr. Jefferson is telling us that his greatest achievement in his entire life was being a partisan Republican. It mattered to him more than anything else he had done, because they created, James Madison and Thomas Jefferson, created political parties to ensure the election of Republicans, of people that were Republicans, as they called themselves. Mr. Jefferson called himself a Republican, they political party was the Republican Party, because they were committed to the preservation of the American Republic, the core principles that made this country great, its size, power and cost of the Federal Government, preserving the power of the State governments to control the things that affected the lives, prosperity and well-being of individual citizens in those States.

Mr. Jefferson set out as his highest priority as our new President, the first Republican President of the United States, elected 200 years ago, Mr. Jefferson set forth as his highest priority that he would reduce the national debt, reducing the taxes, abolishing the income tax.

Many people do not realize that Republican President Thomas Jefferson abolished all Internal Revenue taxes, a notion that I am committed to, along with my colleague, the gentleman from Texas (Mr. SAM JOHNSON).

We have coauthored a constitutional amendment to abolish the income tax, the Internal Revenue Service and do to the IRS what Rome did to Carthage, tear it down stone by stone and sow salt in the furrows.

That was Thomas Jefferson’s greatest achievement in his first term as President. Mr. Jefferson and the Republicans abolished all Internal Revenue taxes. They passed laws which ensured the power of the States over things like public education, over the domestic improvements, things that were purely internal to each State.

All of those core principles that led Mr. Jefferson, Mr. Madison, the majority they elected to Congress, to become Republicans, to create the Republican Party, are the same core principles that animate me today, that animate my good friend, the gentleman from Indiana (Mr. PENCE), a freshman Member, another stalwart and fiscal conservative of impeccable integrity, and someone with a long and illustrious career ahead of him in the United States Congress.

We, each one of us, Democrats and Republicans, should take great pride in our affiliation with our political parties, and do not let the national media and the national press fool you into thinking that this is something to be ashamed of to be a partisan Republican or partisan Democrat. It is what made this country great; it is what gives each of us as Americans a true choice. And as we go into vote, we often do not have any other thing to guide us as we vote, that is whether we are a Democrat or a Republican. We should each one of us be proud of it, stand up and defend it.
It was Thomas Jefferson’s greatest achievement that he was the head of the Republican Party, and I take immense pride and pleasure in having been there today to see our Republican President, George W. Bush, sign into law only the third tax cut in the last 100 years. And the only reason that the American people got a tax cut today is because we elected a Republican President, George W. Bush, and we had a Republican Congress in the House and the Senate who stood by their principles, who stood proudly on those principles and won the election last year.

I look forward to supporting President Bush in the years ahead in the remainder of his term and seeing that we return more of the American people’s hard-earned money to them and continue to transfer power back to the States, protecting the authority of State governments over public education, local improvement, public safety, and the rest that led the original Republican Party of 200 years ago to win a majority of the House, the Senate, and to elect a Republican President.

I am confident we will lead the American people to reelect George W. Bush and to reelect a Republican majority of this Congress, as long as we all remember why we are Republicans and why we are Democrats. I hope the American people will remember this tax cut as one of the most vivid examples of why it is important to preserve a Republican majority in the House and in the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PLATT). The Chair kindly reminds all Members that remarks in debate should be addressed to the Chair and not to occupants of the gallery or to others outside the Chamber.

HISTORIC TAX CUT BILL SIGNED INTO LAW

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

Mr. PENCE. Mr. Speaker, I thank the gentleman from Texas (Mr. CULERHSON) for his passionate and eloquent remarks today.

The Good Book tells us, oh, how the mighty have fallen. Mr. Speaker, today, my 42nd birthday, and it made it all the more sweet to stand in that place of places, the White House, with the 43rd President of the United States of America and take upon myself a gift not only for my birthday, but for all Americans, the gift of tax relief that President Bush signed today.

I truly believe that the tax relief signed into law today will make our economy by reducing the heavy income tax burden on American workers. By signing this bill into law, the President increases the per-child tax credit by doubling it, reduces tax rates for all taxpayers. This is a President who is committed, as he said today, to a Tax Code that does not pick winners and losers; it is tax relief for all taxpayers. The President and this Congress also courageously took on and defeated the marriage penalty and ended that onerous death tax.

As layoffs in my home State of Indiana will attest, even in a headline in my hometown of Columbus, Indiana, this last weekend read, there have been nearly 2,500 layoffs in east central Indiana since the Speaker’s birthday. Mr. Speaker, I am from Tipp City and my colleagues since I arrived in Washington, D.C. that this town seems more than happy to debate whether or not we will some day be in a recession. Mr. Speaker, in east central Indiana, we recognize that families are hurting, and I believe that this economy has been suffering under 8 years of increased taxes and regulatory red tape.

By signing this tax cut into law today, President Bush has begun to put our economy back on the right track. President Bush’s tax plan will help working people, small businesses, and family farmers recover from this economic malaise, and it will begin to set free those struggling under the oppressive burden of high taxes.

Ronald Reagan, the 40th President of the United States, once said, “We need true tax reform that will at least make a start toward restoring for our children the American dream, that wealth is denied to no one, that each individual has the right to fly as high as his strength and his ability or her ability will take them.”

Like the tax cuts of the 1980s, today’s tax relief plan will allow our economy to take wing, as Ronald Reagan envisioned. This means families will be better equipped to save for their children’s education, a down payment on a home, to pay off mounting credit card debt, to put a few dollars away to pay for their children’s education and for college. And even to save, Mr. Speaker, for their own retirement. By lifting the tax burden, as President Bush did today, signing the measure that the Republican Congress passed into law, we are continuing efforts to do no less than to renew the American dream.

It is my earliest hope that the signing of this tax cut into law is only the beginning of a new era of fiscal responsibility in Washington, D.C. With the President’s tax-cutting leadership, Congress has passed an increased child tax credit, rate reductions for all taxpayers, a marriage penalty relief bill, and Death Tax Elimination Act all in one measure. This is a historic day. This is a historic accomplishment, Mr. Speaker.

Oh, how the mighty have fallen. Today, we put the ax to the root of the Internal Revenue Code as it wages war on the American dream. Let this not be the final battle, but let it be the beginning of our battle until we are done renewing the American dream for all the American people.

IMMIGRATION REFORM SHOULD BE TOP PRIORITY FOR AMERICA

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, once more I rise to the podium to discuss an issue I think is of significant importance to the United States. I believe, as a matter of fact, it is perhaps the most significant public policy issue with which this body could or should be dealing. It is the issue of immigration reform.

Each evening at the end of business in this House, ladies and gentlemen from both sides of the aisle approach the microphone to talk about the problems that they face in that State as a result of a lack of sufficient energy resources. And each evening, they rail against the President’s policies, the energy plan that he has put forward, the first such plan ever put forward by any administration, and suggest that the problems with the fact that we are hurted by energy are those that can be dealt with by conservation than by production.

But all of the debate, Mr. Speaker, about energy problems, whether they concentrate on the issue of production as a solution or the possibility of conservation as a solution, miss the underlying problem.

The fact is, Mr. Speaker, the rolling blackouts we see in California and now some places beyond the borders of California, the skyrocketing costs of fuel oil, the fact that as we approach summer people are concerned about whether they are going to be able to keep their homes cool and in the wintertime whether they are going to be able to keep their homes warm because of the cost of energy. All of these things really are a result of a phenomenon I refer to as the numbers. It is numbers. It is the number of people in this country demanding the various resources that are available to them, but at varying costs.

...
Every year, Mr. Speaker, we allow legally into this country 1 million people under an immigrant status. Each year, we allow in another quarter of a million people under what is called refugee status. And each year, we have about 2 million to 3 million illegal-comparable numbers of illegal aliens coming across the borders and staying. We have far more coming across the borders, something like 800,000 a day, coming across the borders; but I am saying that just those that we net out every year amounts to 2 million or 3 million.

I have a chart, Mr. Speaker, actually two charts, if I could ask a page to set them up, that show the growth of the population of this Nation over the last 20 years or so. We just had the censuses and the headlines across the Nation scream out, population growth extraordinary, more than we have anticipated, more than could have been anticipated, more than was expected. And we sometimes wonder how this could have happened; how it could happen that the numbers of people could actually grow so rapidly.

This, Mr. Speaker, is a chart that describes what happened when the population of this Nation was about 203 million in 1970; and the growth in population identified here in green that could be attributable to what we would call the native-born population, or specifically, the births of the immigrants. As we can see, the population growth was increasing, has increased, just the natural population growth, since 1970; and there has been a lot of concern about that.

However, the population would, in fact, level off, the population growth that is identified by this Baby Boomer Echo, as is shown here in green, that would level off in about 2020, and we would actually begin a decrease in population growth. That does not mean a decrease in population, just that the trend is going down, were it not for the fact that we have an immigrant population that has actually doubled the size of growth in the United States, the rate of growth. So we would be right now at 243 million people in the United States, had it not been for immigration over the past 30 years. We are at 261 million people in the United States as a result of it; we have actually doubled the growth rate.

Now, this is intriguing, the numbers are interesting, and we can discuss what the implications are; but the fact is, we will be in a relatively short time, at a point where our resources will be stretched to the limit. We are not able to actually accommodate the population growth of this Nation with the resource allocation and with the problem of environmental protections that we perhaps rightly, perhaps blindly place on the actual development of our natural resources. For whatever reason, we cannot produce enough to supply the population we have in the United States in terms of energy. So when people from California rail against whatever political party is in power, either at the State or at the national level, and suggest that is the problem, that we would all have lots and lots of fuel oil, gasoline, energy supplies if it only were not for some particular problem with the political philosophy of one party or the other.

Mr. Speaker, it has nothing to do with that. It has everything to do with the fact that both political parties refuse to deal with the real problems we face in America today brought on by this population explosion, and that specifically, that growth in population, that part of it that is brought on by immigration.

For many years, Mr. Speaker, we have had, of course, immigration in the United States of America. It is a country of immigrants. We all came here as a result of some one's decision at some point in time, to leave their country and to come to the United States. I am quite sympathetic with all those people, who still today are hardworking, God-fearing, law-abiding in every other way except they will come across the border in search of work. But I do not think I should blame them for trying to come across the border legally, or sometimes illegally. I would not doubt for a moment that if I were living in some of our circumstances, I would be trying to do exactly the same thing.

So it is not the immigrant, the individual immigrant, that I am concerned about here or that I am in any way trying to degrade. It is our own policy, it is the policy of this Nation with regard to immigration. It is the head-in-the-sand policy, we should call it, with regard to immigration that I am concerned about. It is a refusal on the part of the Nation to deal with the fact of the numbers.

It is the numbers. It is not where people are coming from, it is how many people are coming here that has an impact on the quality of life in the United States. We are witnessing it in California on sort of a major scale, but everywhere throughout our districts can observe the effects of immigration, and I would suggest to the Members, the negative effects of it, depending on who we are in the process.

If one is an employer desirous of obtaining the cheapest labor possible, desirous of paying people even below minimum wage, desirous of having people who would never think about perhaps filing a claim or something like that, then they are on the other side of this equation. In either case, massive immigration, public or private, because they can take advantage of it. They take advantage of those people coming in asking for help, needing a job, doing anything for a job and fearful of causing a problem in any way, because, of course, they may find the INS at their door.

However, the possibility of that is quite remote. We actually deport only 1 percent of the illegals that enter the country every year, 1 percent. So as I say, they should not really be too concerned. But if they make waves, then they might end up being identified by the INS. Maybe somebody would place a call. Why? Because they have had the audacity to ask for a minimum wage job, or that their benefits be increased, but they are here illegally. We take advantage of them. They are manipulated, they are exploited by greed.

So if they are on that side of the equation, I can understand, Mr. Speaker, that those people would not be too excited about the possibility of reducing the levels of immigrants in the country to the point that we can handle, something that can allow immigrants to actually prosper themselves, and allow the United States to prosper itself. It could be mutually beneficial.

We need to reduce immigration dramatically, but as I say, it is just not a Californian who has a concern about this. Every single one of us sees something happening in his or her district that is a result of immigration.

In Colorado, I see it all the time. We see the demand for more and more highways, the demand for more and more schools. We keep wondering, are these people legal? How is it that this demand is growing so dramatically? It is a result, of course, of massive immigration, both legal and illegal. We will begin to see much more of its effects as time goes by if we do not do something about it.

Mr. Speaker, I showed the Members a chart a little bit ago that identified this part of the growth of this Nation from 1970 to 2000. We see again that 293 million would have been the population of the Nation had we in fact not had immigration in the last 30 years, but with immigration, we have more. Remember, we are just talking here about legal immigrants. We do not know how many illegal immigrants. We assume 10 to 15 million people here in the country are here illegally.

But our country at the end of 2000 was at 281 million people, so that part was the result of immigration, as I say, doubling the actual growth rate normally.

I ask Members to look what happens, look what happens if this growth rate is allowed to continue at the present level of 1 million legal immigrants in here. This does not mean mass immigration, which of course is about double, at least double legal immigration.

This just looks at what would happen, what is going to happen. This is not hypothetical, this is not a maybe thing; this is a direct, an absolutely defendable explanation, a visible explanation, of what is going to happen in
this country within the rest of this century, even in the next 30 years, if we continue to have immigration levels at the present level. We will be, at 2050, at 404 million, and we will be at 571 million people in the country at 2100.

Think about that when we are looking at where we are way down here. Think about the taxes that we have to pay in order to support the infrastructural demands of a population increase of this nature. Think about the number of schools that have to be built to support this. Think about the number of highways. Think about the number of hospitals. Think about the social service demands.

This population actually uses social services to a greater extent than the indigenous population. Think about this, just this. If nothing else will impress the Members, think about the quality of life at one level, 100 million people in this country. Think about that little green belt that is not too far from our houses today.

Think about the fact that maybe today we cannot get to the car and within an hour or so we can be out in the more pristine areas enjoying the beauty of nature. Think about the ability of going to the Yellowstone National Park or Rocky Mountain National Park in my State, but think about having to make reservations to do that 4 or 5 years in advance to get into a national park.

This is what is coming, I assure the Members, and it will not be in the next 100 years, that will be in the next few years. We are already planning on how to try to deal with the massive numbers of people coming into the park systems of the United States without destroying them, destroying the ecology. There is only one way to do it, of course, and that is to parcel it out.

So today when we can get in our car and in fact drive freely across the United States, we can go into areas where there are no roads, and that is sometimes what we all would desire, that kind of great quiet and solitude, think about it. Mr. Speaker, when the country is at this level of population, it will not be a place where solitude will easily be found. It will not be a place where one could enjoy the beauty of nature by simply getting in our vehicles or taking a stroll for a while, getting out of town, away from it all. It will be much more shut away from it all because it will all have come here. It will all be here because of massive immigration, both legal and illegal.

Again, I want to reestablish something here. When we look at this incredible immigration at the present level. Can we, continuing to happen to the population of the United States because of the red part here, please remember this, this is not talking about illegal immigrants who stay here, this is just from legal immigration. One, can anybody understand the implication of this? Does anybody want to deal with it?

Do Members think we have rolling blackouts now in California, rolling brownouts? Well, we are going to have a much more significant problem then when the population reaches these levels, and it will be, of course, much higher because illegal immigration rates are far greater than the legal.

Yes, then we will come here to the floor of the House and we will talk about maybe having to do something about immigration. We cannot sustain it at these levels, we will say. Maybe, we will say. But why not say it today, Mr. Speaker? Why are we so afraid of bringing this issue to the attention of our colleagues here and to the attention of the general public?

There are a couple of reasons, but primarily they deal with fear, fear of being called a racist, fear of being called xenophobic, and a variety of other terms that certainly I have thrown at me every time I do this speech on the floor. The phones start ringing in our office. People from all over the country express their displeasure with what I say.

Mr. Speaker, I will suffer the slings and arrows of those folks who feel so outraged by what I am saying here just to get people to begin to pay attention to the issue.

I want to read a part of a letter that is dated March 19, 1924. The letter is addressed to the Congress of the United States, and it reads:

"Every effort to enact immigration legislation must expect to meet a number of hostile forces, and in particular, two hostile forces of considerable strength."

It goes on:

"One of these is composed of corporation employers who desire to employ physical strength, 'bread backs,' at the lowest possible wage, and who prefer a rapidly revolving labor supply at low wages to a regular supply of American wage earners at fair wages."

Remember, this is 1924. It goes on:

"The other hostile force is composed of racial groups in the United States who oppose all restrictive legislation because they want the doors left open for an influx of their countrymen. Regardless of the menace to the people of their adopted country."

This was Samuel Gompers, founder and president of the American Federation of Labor, and himself, by the way, an immigrant.

It is right, Mr. Speaker, it has not changed. It has not changed, I assure the Members, in the last 76 years. It is still those hostile forces we meet when we bring an issue like this to the floor. It is still the employer who threatens me, threatens other Members of this body with a lack of support if we do not understand that they need to bring in illegal and legal immigrants so they can have these jobs that "no American will take." No.

Yes, I am sure there are many jobs out there that no American will take for the wages that are paid at that level. Yes, I am sure that is true. As long as they can continue to get by with paying those low wages to those people, of course they are going to be coming here demanding that we do nothing about the massive immigration that is flooding the United States, that is coming across the borders; and I should say, by the way, also to the detriment of the immigrant.

The other thing, of course, is that there is a political side to this. There is a lot of people that want to have massive immigration because they believe it accrues to their political advantage. We saw this, Mr. Speaker, we will recall, when President Clinton demanded that the INS go into areas here in fact felonies here and they had committed felonies in their country of origin. We gave them citizenship status because the Clinton administration wanted a massive number of people here because they believed that they would in turn become good, solid Democrat votes.

Mr. Speaker, I do not care whether they come here and vote Democrat or Republican or do not vote at all. The fact is, the issue of numbers is what we have to deal with today, the numbers. Because of immigration, the United States is currently growing at a rate faster than China. Because of immigration, within the lifetime of an American child our population will double.

There is an organization called Project U.S.A., from which I am taking much of the following information, and I suggest that anyone who wants to get any kind of information that we have talked about here tonight go to our Website, www.house.gov/tancredo. From that, we have links to any of these other sites. That is www.house.gov/tancredo. Then one can go to the other sites here, Project U.S.A. and many others. Go to our site on immigration reform first.

A writer by the name of Brenda Walker talks about the social contract, talks about what happens again in terms of what the impacts are of massive immigration into the country.

She says experts increasingly agree that Third World poverty is largely the result of generations of citizens’ passivity and the failure to build governments based on democratic values. Democacy cannot survive in cultures where people have no rights, where there is little respect for the rule of law, where there is tolerance for bigotry, petty thievery, bribery, corruption, nepotism, ethnic hostility and
where citizens fail to build the political coalitions and the citizen movements to effect real change.

She says, when we reward those who run from the problems in their own native land in order to save their own skin, then we undermine the citizen activism and the community that is absolutely necessary if Third World people are going to unite and solve their own problems.

It is not kindness on our part when we allow corporations to employ their most educated and their most talented citizens. Where would Africa be if Nelson Mandela had decided to cut and run for America?

Encouraging massive migration to the United States will not solve the problems in poorer countries. We can be much more effective through foreign aid and by teaching people how to build democratic societies for themselves. Teaching people how to fish is the path to true compassion and human dignity.

Teaching people how to build aid and by teaching people how to build democratic societies for themselves. Democratic societies for themselves an injustice and we are doing an injustice to the nations from which they come. We are helping them and we are helping the United States of America. We can handle maybe 100,000 a year. We can handle maybe 500,000 a year. We can handle maybe 200,000 a year. But we cannot handle millions and millions of people a year. It does not help us, and it does not help them.

Vicente Fox “dreams of a day when the United States will openly encourage illegal migration, and the United States will not solve the problems in poorer countries. We can import the geneva conference and the geneva conference of public assistance, mainly Medicaid.”

“Border towns have the double burden of disease,” says Russell Bennett, chief of the U.S.-Mexico Border Health Commission, “those diseases of emerging nations like diarrhea as well as first world diseases like stress and diabetes.

The cost of immigration, I mean, the world is changing. Mr. Speaker, there are no two ways about it. But I would not suggest it is changing especially on these border communities for the better, and it is because of numbers. It is not because, again, of where people come from. It is because of the numbers of people that are coming here.

Again, I repeat, 31 percent of all tuberculosis cases are found in the four border States. Colorado, by the way, is not too far behind in those statistics. We are told that other countries are doing something to try to stem the flow of migrants to the United States. Well, let me suggest to my colleagues that that is almost a hollow promise.

Although and others often speak of attempting to do something to reduce the flow of immigrants to the United States, the reality is that they are encouraging it. The reason why they are encouraging this out-migration from their countries is because they cannot do anything about it. They refuse to deal with it.

Remember the petty larceny, the incredible amount of profits they have in trying to actually run their own government, the massive amount of money that is in the hands of the government itself, and in the policing? All of this, of course, does not bode well for us, for those of us who hope that Mexico will be able to turn this around, to provide an economic arena in which their own people can thrive, in which they can achieve their own economic dreams. This is what we hope for all citizens all over the world.

But I suggest that it is counterproductive for the United States to accept the money of illegal immigration. They are actually, as hard as this is to believe, Mr. Speaker, even in light of what Mr. Fox is telling the rest of the world, they are, in fact, giving away kits to illegals preparing to cross the border into the United States, kits that are designed to help them make their trip easier, kits that include water and condoms and Band-aids and state-issued birth certificates to be used as proof of U.S. citizenship. The Arellano Felix brothers, Tijuana drug kingpins known for torturing, carving up and roasting their rivals, are paying $4 million a month in bribes in Baja, California alone, just as the cost of doing business.”

Remember, Mr. Speaker, we are talking about corrupt officials both in Mexico and in the United States. $4 million a month in bribes in Baja, California alone.

“The $4 million reward for their capture is one of the highest the U.S. has ever offered, and is something of a bad omen for the circumstances. There hasn’t been a single nibble in four years. What good is the money if you’re dead?” The article goes on.

“Profiteers and Congressmen both in Mexico and the United States have made their fortune on the drug traffic before and after the announcement of the $4 million reward, but they have not been successful in stopping it. It goes on to describe the plight of those who cross the border and do so in the
heat of the day without proper care, without proper nutrition, without the ability to escape the burning rays of the sun. Many, many die in the process.

Those who do not come that way often pay the services of what are called coyotes. A coyote is a person who is employed to get one from Mexico to the United States doing so illegally. One has to pay them. It averages between 500 to sometimes several thousand dollars, depending upon the circumstances, to get one across the border.

What happens, these people get shoved into vans, into the backs of trucks, get compacted, if you will, into any vehicle that is coming across the border. Many of them die. This has happened several times in the last few months in my own State of Colorado. I think we are up to now 9 or 11 people who have died in this process being transported by the coyotes.

Again, Mr. Speaker, I do not blame them for trying. I understand their desire. It was the same as the desire of my grandparents and perhaps my colleagues to come to the United States and seek a better life. One of the things that happened with the generation was, to a large extent, the ability to separate oneself from the culture and from the country from which one came. This is important. This is one reason why we do have the problem with immigration, both legal and illegal from Mexico, because the border is of course adjacent to the United States, and it is harder.

When my grandparents came here from Italy in the late part of the 1800s, they essentially to escape an old world, came to seek the benefits of the new world, to enter into what they believe was a place of streets of gold. They wanted to become upwardly mobile, and they did that. One of the ways they did it was by abandoning their nativelanguage. I know a lot of people suggest that should not happen. I, for one, wish I could still speak Italian. I wish my grandparents had taught my parents and they had taught me, but they did not. One reason they did not was because they understood the need to learn English if they wanted to be upwardly mobile in this country.

Massive immigration from countries that make Spanish English puts that generation on the school systems. It puts pressure on jobs. The ability of someone to be upwardly mobile is severely hampered by their either unwillingness or inability to learn the English language.

Bilingual education now being taught in so many schools with the exception of California, which by proposition threw it out, and soon it will happen in Arizona if it has not already occurred. I may be mistaken there. I think Arizona has already passed their initiative to do something, and I hope Colorado is next in line to eliminate bilingual education. But this is an example of the problem of massive immigration and this dual-language nation we are beginning to develop.

Not only is there a problem with people being able to actually become upwardly mobile if they do not speak English, can they really get to the next level in their job, can they afford to move up, particularly if they are the low skilled, low pay job, and move into something better if they cannot speak English? The answer is no.

So why do we keep so many people in another language? Because it has become a political issue. I go back to what I said earlier about the reasons why we have massive immigration, one of them being political. And bilingual education has become a very political issue. It is used here in the House of this Congress to encourage either certain ethnic groups to support one party or another, or as an issue of attack on another party. Those of us who believe that bilingual education is not the best thing for the children in that system.

If we really and truly care about the child, Mr. Speaker, and I have been a teacher, my wife just completed 27 years at the Jefferson County Public Schools, we sent our children to public schools, but if we really and truly care about children, then we will do several things for them: one, we will allow them to have the choice of any school they want to go to by giving them tax credits; and, secondly, we will make sure that they are not forced to participate in bilingual classes that are taught in a language other than English. If we really care about children, that is where we should be.

We should be providing immersion classes for these kids so they can learn English quickly and move on and get in line for part of the American Dream. But massive immigration retards that pressure to achieve English proficiency. But the fact remains that these are all problems that develop as a result of massive immigration and problems that we must begin to deal with.

I say over and over again that it is an issue whose time has come. We must talk about it. Do we want this to be the future? Is this what we expect our children and grandchildren will have to deal with in terms of the quality of their education and a better future, Mr. Speaker, by controlling our own borders. It is uniquely in the power of the people of this House and in this other body to do that. States cannot do it. States have absolutely no control over the borders. They look to us. And we look away all too often, and we have done so time and time again on this issue of immigration because we fear either the political or social ramifications to us.

It is hard to get into that cocktail party so somebody may say, oh, gee, that is that guy or that lady that wants to reduce immigration. People might shy away from you, thinking that you are a racist, that you have some evil motive, that there is something bad in your heart, and they want to get away from you. Mr. Speaker, I assure you, at least from my own perspective and from the bottom of my heart, it is not the type of people that are coming here. One of the problems that are coming here is, they are not their ethnicity, it is, in fact, the numbers that makes it difficult to deal with.

The numbers make it harder for us all to accomplish our goals, whether it is to reduce the problems faced by California, and which will be faced by States throughout the Nation soon in terms of energy and lack thereof, to the various other kinds of cultural issues and political issues that we face as a result of massive immigration of these kinds of numbers.

So once again I ask the Speaker to be aware of the need for change, to encourage others, others of my colleagues, to begin to study this issue and become acquainted with it. It is an important one for every one of us no matter what district we represent. It will become more important as the time goes on, and there will be a point in time when we will be confronted by this issue in a way that perhaps we have no way of avoiding it.

We have to deal with it, Mr. Speaker. Now is better than later. Now is better than later.

Mr. UDALL of Colorado (at the request of Mr. GEPhardt) for today on account of personal business.

Mr. LEWIS of Kentucky (at the request of Mr. ARmey) for today on account of attending daughter's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, leave of absence was granted to:

Mr. UDALL of Colorado (at the request of Mr. GEPhardt) for today on account of personal business.

Mr. LEWIS of Kentucky (at the request of Mr. ARmey) for today on account of attending daughter's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCnulty) to revise and extend their remarks and include extraneous material:

Mr. DINGELL, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. SHOWS, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

Mr. REYNOLDS, for 5 minutes, today.
Mr. TOM DAVIS of Virginia, for 5 minutes, today.
Mr. Ryun of Kansas, for 5 minutes, today.
Mr. ENGLISH, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. LEWIS of Kentucky, for 5 minutes.
Mr. KENNEDY of Minnesota, for 5 minutes, today.
Mr. PENCE, for 5 minutes, today.

ADJOURNMENT

Mr. TANCREDO, Mr. Speaker, I move that the House now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 8, 2001, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELegates

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Honorabie DIANE E. WATSON, 32nd California.

EXECUTIVE COMMUNICATIONS.

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

2344. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department’s final rule—Prohibition of Beef from Argentina [Docket No. 01–032–1] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2345. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department’s final rule—National Forest System Land and Resource Management Planning; Extension of Compliance Deadline—received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2346. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department’s final rule—Change in Disease Status of the Republic of San Marino and the Independent Principalities of Andorra and Monaco [Docket No. 00–062–1] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2347. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Bacillus thuringiensis Cry1F Protein and Its Derivatives; Essential for its Production in Corn; Exemption from the Requirement of a Tolerance (OPP–301130; FRL–6783–3) (RIN: 2070–A378) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2348. A letter from the Deputy Director, Enforcement Policy, Wage and Hour Division, Department of Labor, transmitting the Department’s final rule—Nondisplacement of Qualified Workers Under Certain Contracts; Recession of Regulations Pursuant to Executive Order 13201—received June 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2349. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department’s final rule—Federal Motor Vehicle Safety Standards; Interior Trunk Release (Docket No. NHTSA A99–5068; Notice 2) (RIN: 2127–A183) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


2351. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department’s final rule—Federal Motor Vehicle Theft Prevention Standard; Final Listing of Model Year 2001 High-Speed Vehicle Lines [Docket No. NHTSA A99–5067; Notice 1] (RIN: 2127–A178) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2352. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Revisions 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 [CA 095–02373; FRL–6997–3] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


2354. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Royston and Arcade, Georgia) [MM Docket No. 00–024] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2355. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Knoxville, Tennessee) [MM Docket No. 00–221; RM–9955; RM–10006] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2356. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Nebraska) [MM Docket No. 00–027; RM–9970; RM–10005] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2357. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ely and Duquesne, Pennsylvania) [MM Docket No. 00–42; RM–9826] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2358. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Patterson, Georgia) [MM Docket No. 01–26; RM–10045] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2359. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sault Centre and Alexandria, Minnesota) [MM Docket No. 00–1092; RM–10023] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2360. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bozeman, Montana) [MM Docket No. 00–198; RM–9974]; (Rincon, Texas) [MM Docket No. 00–197; RM–9975] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2361. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wahoo and Elkhorn, Nebraska) [MM Docket No. 00–01–4; RM–10030] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
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01–30; RM–10042) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2363. A letter from the Director, Office of

2365. A letter from the Director, Office of

2367. A letter from the Secretary, Depart-

2369. A letter from the Secretary, Depar-

2371. A letter from the Attorney General, De-

2373. A letter from the Attorney General, Depar-

2375. A letter from the Acting Assistant

2377. A letter from the Counsel to the In-

2379. A letter from the Chairman and the

2381. A letter from the Acting Assistant

2383. A letter from the Acting Chief, En-

2385. A letter from the Program Analyst, FAA,

2387. A letter from the Chief, Regula-

2389. A letter from the Chief, Regula-

2391. A letter from the Chief, Regula-

2393. A letter from the Chief, Regula-

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2425. A letter from the Chief, Regula-

2427. A letter from the Chief, Regula-

2429. A letter from the Chief, Regula-

PUBLIC BILLs AND RESOLUTIONS

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

By Mr. BALLenger (for himself and Mr. COHLe):

H.R. 2094. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act) to in-

By Mr. EVANS (for himself and Mr. RAYEs):

H.R. 2095. A bill to amend title 38, United States Code, to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for home loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs;

By Mr. SMITH of New Jersey (for him-

By Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARCIA, Mr. BLUNT, Mr. BRYANT, Mr. CAMP, Mr. COSTELLO, Mr. DE MINT, Mr. DOOLEY, Mr. GREEN of Wisconsin, Ms. HART, Mr. HOEKSTRA, Mr. HOLDEN, Mr. LANGEVIN, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. PENCE, Mr. PHILIPS, Mr. PICKERING, Mr. PITTS, Mr. RAHALL, Mr. ROHR-

By Mr. SMITH of New Jersey (for him-

By Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARCIA, Mr. BLUNT, Mr. BRYANT, Mr. CAMP, Mr. COSTELLO, Mr. DE MINT, Mr. DOOLEY, Mr. GREEN of Wisconsin, Ms. HART, Mr. HOEKSTRA, Mr. HOLDEN, Mr. LANGEVIN, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. PENCE, Mr. PHILIPS, Mr. PICKERING, Mr. PITTS, Mr. RAHALL, Mr. ROHR-

H.R. 2096. A bill to amend title 38, United States Code, to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for home loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs;

By Mr. SMITH of New Jersey (for him-

By Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARCIA, Mr. BLUNT, Mr. BRYANT, Mr. CAMP, Mr. COSTELLO, Mr. DE MINT, Mr. DOOLEY, Mr. GREEN of Wisconsin, Ms. HART, Mr. HOEKSTRA, Mr. HOLDEN, Mr. LANGEVIN, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. PENCE, Mr. PHILIPS, Mr. PICKERING, Mr. PITTS, Mr. RAHALL, Mr. ROHR-

H.R. 2096. A bill to amend title 38, United States Code, to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for home loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs;
human stem cells, and for the conduct and support of research using such cells; to the Committee on Energy and Commerce.

By Mr. BISHOP (for himself, Ms. ESHOO, Mr. BALDASSARI, Mr. GELLERT, Mr. ROGERS of Michigan, Mr. HECK, Mr. GOSWAMI, Mr. CAUDLE, Mrs. MEIER, Mr. GREENWOOD, Ms. BISHOP, Mr. LEWIS of Texas, Mr. WYNN, Ms. DELAURO, Mr. HUNTER, Ms. CAPP, Mr. HANSEN, Mr. SIMPSON, Mr. BISHOP, Mr. LEWIS of Georgia, Mr. DAVIS of North Carolina, Mr. THOMAS, Ms. MCKINNEY, Mr. ACKERMAN, Mr. HINCHEY, Mr. PRICE of North Carolina, Mr. VISCOMBE, Mr. PERRY, Mr. CROWLEY, Mr. KANJORSKI, Mr. BUCKLEY, Mr. BROWN, Mr. SCOTT, Mr. BRADLEY, Mr. DAVIS of Illinois, Mrs. CARTER, Mr. CARNEY, Mr. BROWN of New York, Mrs. EMERY, Mr. THOMAS; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself and Mr. SAXTON):

H.R. 2101. A bill to establish the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Education and the Workforce.

By Mr. QUINN:

H.R. 2106. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of energy from alternative energy sources; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 2108. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of energy from alternative energy sources; to the Committee on Ways and Means.

By Mrs. MEEK of Florida:

H.R. 2109. A bill to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; to the Committee on Resources.

By Mr. CALVERT:

H.R. 2110. A bill to establish that it is the policy of the United States that public lands be used for public utility infrastructure before private lands are condemned for such purpose; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CLAYTON (for herself, Mr. JOSSELYN, Mr. VANCE, Mr. NIX, Mr. ETHELBERD, Mrs. ROUKEMA, Mr. PHILLS, Mr. SHOWS, Mrs. THURMAN, Mr. WOOLERY, Mr. BUER of North Carolina, Mr. JOHN, and Mr. LAHOOD):

H.R. 2102. A bill to authorize recruitment and retention incentive programs, student loan forgiveness, and professional development programs for teachers in rural areas; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mr. THOMAS, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. NIX, and Mr. VANCE):

H.R. 2103. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 2113. A bill to amend the Immigration and Naturalization Act in order to provide that the nonpermanent resident alien or alien in the United States with an unexpired visa is removed or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. SIMPSON (for himself, Mr. HANSEN, Mr. LOWEY, Mr. DIDGEON of Pennsylvania, Mr. DOOLITTLE, Mr. SHADDOCK, Mr. DUNCAN, Mr. GIBBONS, Mr. SCHAFER, Mr. STIMP, Mr. SCHOONMAKER, Mr. CANNON, Mr. HERGER, Mr. HASTINGS of Washington, Mr. SOWDER, Mr. REHBERG, Mr. WALDEN of Oregon, Mr. GOS, Mr. CALVERT, Mr. SKIEN, Mr. THORNHURST, Mr. THOMAS, Mr. HAYWOOD, Mr. HUNTER, Mr. TAUSIN, and Mr. FLAKE):

H.R. 2114. A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments; to the Committee on Natural Resources.

By Mr. SMITH of Washington:

H.R. 2115. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside the service area of the Savannah River Utility District; to the Committee on Resources.

By Mr. TAYLOR of North Carolina:

H.R. 2116. A bill to reduce emissions from Tennessee Valley Authority electric powerplants, and for other purposes; to the Committee on Natural Resources.

By Mr. UPTON (for himself, Ms. ESHOO, Mr. HOFPPFEL, Mr. ROS-LEHTINEN, Mr. BALDACCI, Mr. BAKER, Mr. ANDREWS, Mr. SNYDER, Mr. CAMP, Mr. PRICE of Ohio, Mr. UDALL of New Mexico, Mr. HUTCHINSON, Mr. KING, Mr. JEFFERSON, Mr. PICKERING, Mr. SIMMONDS, Mr. NORTWOOD, Mr. PASCOR, Mr. BONIOR, Mr. BLUMENAUER, Mr. ROSS, Mr. CRAMER, Mr. KILPATRICK, Mr. ACKERMAN, Mr. HINCHRY, Mr. BOUCHER, Mr. PAUL, Mr. SAXTON, Mr. HOUSETON, Mr. GREEN of Texas, Mr. ABERCROMBIE, Mr. TANNER, Mr. CARSON of Oklahoma, Mrs. JONES of Ohio, Mr. STRICKLAND, Mr. TOOMY, Mr. FARR of California, Mr. PRICE of North Carolina, Mr. VISCOMBE, Mrs. CARTER, Mr. PIRCE, Mr. GOODLATTE, Ms. LEE, Mr. SOUDER, Mr. SKELTON, Mr. SANDLIN, Mr. LATOURETTE, Ms. JACKSON-LEE of Texas, Mr. SHALTON, Mrs. MORELLA, Mr. TIERNEY, and Mr. WYNN):

H.R. 2117. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the Medicare Program for beneficiaries with cardiovascular disease; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:


By Mr. COLLINS (for himself, Mr. CHAMBLISS, Mr. JENKINS, Mr. BISHOP, Mr. LEWIS of Georgia, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. LINDER, Mr. ISAkSON, Ms. MCKINNEY, Mr. SCHOONMAKER, Mr. CANNON, Mr. HERGER, Mr. HASTINGS of Washington, Mr. SOWDER, Mr. REHBERG, Mr. WALDEN of Oregon, Mr. GOS, Mr. CALVERT, Mr. SKIEN, Mr. THORNHURST, Mr. THOMAS, Mr. HAYWOOD, Mr. HUNTER, Mr. TAUSIN, and Mr. FLAKE):

H. Con. Res. 154. Concurrent resolution honoring the continued commitment of the
Army National Guard combat units deployed in support of Army operations in Bosnia, recognizing the sacrifices made by the members of those units while away from their jobs and family, and recognizing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and memorializing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and acknowledging, honoring, and expressing appreciation for the critical support by employers of the Guard and Reserve to the Committee on Armed Services.

By Mr. GREENWOOD (for himself, Mr. DOOLY of California, and Ms. HART): H. Con. Res. 155. Concurrent resolution expressing the sense of Congress that comprehensive Medicare modernization is a top priority of the 107th Congress; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DOOLY of California, Mr. MORAN of Virginia, Mrs. TAUSCHER, and Mr. LARSEN of Washington): H. Res. 159. A resolution expressing the sense of the House of Representatives that machine-readable privacy policies and the Platform for Privacy Preferences Project specified in the Platform for Privacy Preferences Project specification, are important tools in protecting the privacy of Internet users, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

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

103. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Resolution No. 182 memorializing the Congress to enact into law the “Great Falls Historic District Study Act of 2001”; to the Committee on Resources.

104. Also, a memorial of the General Assembly of the State of New Jersey, relative to Resolution No. 177 memorializing the United States Congress to enact legislation, currently before Congress, which eliminates the federal estate tax into law; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 438: Mr. NICHOLSON, Mr. SANCHEZ, and Mr. WATERS.
H.R. 440: Ms. BALDWIN and Mr. KILDREE.
H.R. 442: Ms. BALDWIN.
H.R. 466: Mr. BALDWIN.
H.R. 527: Mr. CULBERSON.
H.R. 544: Ms. CARSON of Indiana.
H.R. 572: Mr. GUTIERREZ, Mr. LAMPSON, and Mr. KUCINICH.
H.R. 600: Ms. CARSON of Indiana.
H.R. 699: Mr. ANDREWS.
H.R. 701: Mr. BURBANK, Mr. LANDSEY, Mr. GRUCCI, Mr. CRANE, Mr. GREEN of Wisconsin, and Mr. KUSTER.
H.R. 628: Mr. PLATT, Mr. MORAN of Kansas, Mr. GRAVES, and Mr. POMSO.
H.R. 635: Mr. VANDER-WARD and Mr. KAPITUR.
H.R. 652: Mr. BENTSEN, Mr. Wynn, Mr. CLAY, Ms. CARSON of Indiana, Mr. STUPAK, Mr. GUTIERREZ, Mr. LAMPSON, and Mr. KUCINICH.
H.R. 690: Ms. CARSON of Indiana.
H.R. 699: Mr. ANDREWS.
H.R. 701: Mr. BURBANK, Mr. LANDSEY, Mr. GRUCCI, Mr. CRANE, Mr. GREEN of Wisconsin, and Mr. KUSTER.
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H.R. 628: Mr. PLATT, Mr. MORAN of Kansas, Mr. GRAVES, and Mr. POMSO.
H.R. 635: Mr. VANDER-WARD and Mr. KAPITUR.
Carolina, Mr. Deal of Georgia, and Mr. Leach.
H.R. 1893: Ms. McKinney, Mr. Owens, Mr. Payne, and Mr. Frost.
H.R. 1897: Mr. Rangel, Mr. Cummings, Mr. Rogers of Michigan, Mr. Conyers, Mr. Owens, Mr. Frank, Mr. Frost, and Mr. George Miller of California.
H.R. 1910: Mr. Cantor and Mr. Grucci.
H.R. 1911: Mrs. Roukema.
H.R. 1922: Mr. Lantos, Mr. Evans, and Ms. Pelosi.
H.R. 1927: Mr. Kanjorski, Mr. Barcia, and Mr. Smith of Michigan.
H.R. 1929: Ms. Carson of Indiana, Mr. Pastor, Mr. Hoyer, Mr. Rangel, Mr. Hult, Mr. McDermott, Mr. Lewis of Georgia, Mr. Inslee, Ms. Roysland-Allard, Mr. Hinchey, Mrs. Napolitano, Mr. Lantos, and Mr. Frost.
H.R. 1948: Ms. McCarthy of Missouri.
H.R. 1954: Mrs. Cubin, Mr. Camp, Mr. Pickering, Mrs. Meek of Florida, Mr. Udall of Colorado, and Mr. Deal of Georgia.
H.R. 1961: Mr. Bentsen, Mr. LaFalce, and Mr. Hulshof.
H.R. 1983: Mr. Shows and Mr. Wamp.
H.R. 2008: Mr. Lewis of Georgia, Mr. Hilliard, Mrs. Jones of Ohio, Mrs. Meek of Florida, Ms. Brown of Florida, Mr. Payne, Ms. Jackson-Lee of Texas, Ms. Carson of Indiana, Ms. Norton, Mr. Jackson of Illinois, Mr. Thompson of Mississippi, Mr. Clyburn, and Mr. Scott.
H.R. 2009: Mr. Falcomavaria, Mr. Cummings, and Mr. Udall of Colorado.
H.R. 2021: Mr. Price of North Carolina.
H.R. 2022: Mr. Bonior, Mr. Davis of Illinois, Mr. Clement, and Mr. Kucinich.
H.R. 2023: Mr. Hilleary, Mr. Crowley, Mr. Larson of Connecticut, and Mr. Shows.
H.R. 2035: Mr. Ney, Mr. Green of Texas, Mr. Hall of Texas, Mr. Payne, Mr. Filner, Mr. Clement, Mr. Bentsen, Mr. Rodriguez, Mr. McNulty, and Mr. DeFazio.
H.R. 2037: Mr. Vitter, Mr. Knollenberg, Mr. Duncan, Mr. Isakson, Mr. Riley, Mr. Lewis of Kentucky, Mr. Phelps, Mr. Pombo, Mr. Gillmor, and Mr. Boehner.
H.R. 2045: Mr. Frost.
H.R. 2052: Mr. Royce.
H.R. 2067: Mr. Schrock and Mr. McGovern.
H.R. 2088: Mr. Boswell.
H.J. Res. 36: Mr. Kingston and Mr. Diaz-Balart.
H. Con. Res. 3: Ms. Solis.
H. Con. Res. 20: Mr. Platts, Mr. Andrews, and Mr. Hinchey.
H. Con. Res. 97: Ms. Pelosi and Mr. Pallone.
H. Con. Res. 102: Mr. Ehlers, Ms. Schakowsky, Mr. Horn, Mrs. Roukema, Mr. Ramstad, Mrs. Lowey, Mr. Horkstra, Mr. Markey, Mr. Platts, and Mr. Blumenauer.
H. Con. Res. 103: Mr. Payne.
H. Con. Res. 116: Mr. Crank and Mr. McGovern.
H. Con. Res. 128: Mr. Rohrabacher and Mr. Peterson of Pennsylvania.
H. Con. Res. 145: Mr. Johnson of Illinois, Ms. Sanchez, Ms. McCarthy of Missouri, and Mr. Souder.
H. Res. 72: Ms. Eshoo, Mr. Capuano, and Mr. Payne.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 1305: Mr. Greenwood.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD).

The PRESIDENT pro tempore. Today’s prayer will be offered by our guest Chaplain, Stephen Einstein, Rabbi of Congregation B’Nai Tzedek from Fountain Valley, California.

PRAYER

The guest Chaplain offered the following prayer:

This is the day that God has made. Let us be joyful and be gladdened. Eternal God, we thank You for so many gifts. You have bestowed upon us talent and abilities that enable us to excel, a universe of wonder that inspires us to create, and a reflected spirit that moves us to appreciate. We appreciate the gift of time. You have allotted to us minutes and hours, and presented us with the challenge. Use this time for good.

In this Chamber, we acknowledge that there is so much good that needs to be done. We are humbled by the tasks that await us. May we face them with renewed vigor and purpose. We are particularly grateful, then, for this day, and for the opportunity for service it provides. Let us prove our gratitude by the manner in which we utilize each moment. And so with thankfulness, we ask for Your blessings upon every Senator. May each be a blessing to those whose lives are touched by their work. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

THE GUEST CHAPLAIN

Mr. DASCHLE. Mr. President, I welcome Rabbi Einstein and compliment him for his prayer. I also want to thank him for the outstanding representation he has here in the Senate. California is well represented. We are glad he is here.

The PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, may I ask unanimous consent to speak for about 2 minutes as if in morning business to welcome the Rabbi from California?

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

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, this morning’s prayer was delivered by Stephen Einstein. He is an accomplished religious scholar. He is the Rabbi of congregation B’Nai Tzedek in Fountain Valley, CA. He is a spiritual leader of a synagogue with 435 members. But he is also the chaplain of the Fountain Valley Police Department, a board member of the American Cancer Society, and a member of the Religious Outreach Advisory Board of the Alzheimer’s Association of Orange County.

He has written two scholarly books on Judaism. He has also served as a member of the Fountain Valley Board of Education, and has served twice as school board president.

He is a distinguished Californian, a religious leader. As the senior Senator from California, I welcome him to the Senate.

I thank you, Mr. President, and the Senate for receiving him so graciously. I thank the Chair. I yield the floor.

PROGRAM

Mr. DASCHLE. Mr. President, today we resume the education reform bill. The current order will require 1 hour of additional debate on the Dodd testing amendment, 1 hour of debate on the Carnahan-Nelson amendment regarding assessments, and a rollcall vote on the Carnahan-Nelson amendment is scheduled at approximately 11:30 under a previous order. There will be additional rollcall votes throughout the day.

I yield the floor.

RESERVATION OF LEADER TIME

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

MEASURES PLACED ON THE CALENDAR

H.R. 6, H.R. 10, H.R. 586, and H.R. 622

Mr. REID. Mr. President, on behalf of the majority leader, I understand that there are several bills at the desk due for second reading. Therefore, I ask unanimous consent that it be in order for the bills to be read a second time en bloc.

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

Mr. REID. I object en bloc to further action on these bills.

The PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the Calendar.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—RESUMED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

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. 338, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 362 (to amendment No. 338), to remove the 21st century community learning center program.
Mr. DODD. I thank the Chair.

Let me explain this amendment once again. I explained it when I offered it yesterday afternoon, and again early last evening.

This is a very straightforward, simple amendment. I said yesterday that if there is one word that could be used to describe the underlying bill, it is the word “accountability”—we want greater accountability. I would add “responsibility”—“accountability and responsibility.” Students, parents, school principals, teachers, superintendents, and boards of education all have to be more accountable and more responsible if we are going to improve the quality of public education in our country.

There is no doubt in my mind that, while there has been improvement recent years in classrooms, there is room for more improvement. We need to raise the next generation of young people to be prepared to meet the challenges of the 21st century and be competitive in a global economy.

In years past, a child raised in Connecticut, West Virginia, Massachusetts, or New Hampshire, competed, if you will, with children in the neighboring town or the neighboring county, maybe the neighboring State.

Today, our children compete with children all over the world. So we need to prepare a generation like no other in the history of this Nation. Therefore, the issue of a sound, firm, good elementary and secondary education is critical.

This bill mandates a number of things. We will mandate, for the very first time, that every child be tested every year from third grade through eighth grade. That is a Federal mandate in this bill.

Mr. GREGG. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. GREGG. I will note—and the Senator is familiar with this—just to make it clear, the Federal Government already mandates that children take a test in three grades. This just adds three more grades.

Mr. GREGG. I accept that point. We do. My point being, my amendment has been called intrusive. Because I have suggested that the States be accountable and responsible, it is said that I am proposing a new Federal intrusion into what has historically been a local and State decisionmaking process. Yet, as my colleague from New Hampshire has pointed out, we already mandate tests. And, this bill mandates even more tests.

We also mandate standards for teachers at the local level. We are going to tell school districts that if schools do not perform at a certain level, we, the Federal Government, will require them to close the school. We require the States to establish statewide content and performance standards, and tests that are the same for all children in the State.

The point is, we are requiring decisions at the local level. Down to the level of detail of telling third graders, and their parents, when they will be taking tests.

My amendment says that if we are going to ask for accountability and responsibility from students, parents, school principals, teachers, and school boards, is it unreasonable to ask States to be accountable? Since 1965, we have mandated comparable educational opportunity for students within school districts. This amendment simply says that there should be comparable educational opportunity throughout the State.

Why do I say that? Of the total education dollar spent in our public schools, 6 cents comes from the Federal Government, 94 cents comes from State and local governments. In this bill, we are mandating that schools ask State school districts do a better job. If they do not, there are consequences. It is a Federal mandate. But the resource allocations are not really there, nor are we insisting at a local or State level that they meet their obligations.

My amendment says States must take on responsibility. If we are asking students, and parents, and teachers, and schools, and school districts to do better, why not the States?

Many States are working hard at this. But, nevertheless, many children, simply by the accident of their birth, have a disparate level of educational opportunity. They are born in a school district where the resources are not there. A child born in a more affluent school district has an educational opportunity that is vastly different.

I see it in my own State. I represent the most affluent State in America on a per capita income basis, the State of Connecticut. I also have communities in my State that are some of the poorest in America. Hartford, our capital, was just rated as the eighth poorest city in America.

So, even in my small State, there are children who attend some of the best schools in America because we support education through a local property tax, and others, just a few miles away, who have much less educational opportunity, for the same reason.

Just as we are going to test children, and schools, and districts, should we not also test States? It doesn’t seem to
me that providing comparable opportunity to all children is too much to ask.

As I pointed out earlier, there are a number of Federal mandates that we already include in law. We withhold funds from States or school districts if they fail to comply with those mandates. Among others, they concern children and guns, for example, in addition to the mandates I discussed earlier. I am not drawing judgments, but pointing out that this law is full of mandates, supported by both sides.

We believe that responsibility at the Federal level to do a good job to see to it that dollars taxpayers have sent to us go back to support education in the ways in which title I and the rest of ESEA in this bill, we say that school districts should do a better job, that parents and teachers and school superintendents should do a better job. Shouldn't States be included in that community of accountability and responsibility? That is all I am suggesting with this amendment.

We leave it to the discretion of the Secretary of Education to determine to what extent administrative funds would be withheld. We give these States 6 years to at least demonstrate they are moving in the direction of offering "comparable" educational opportunity. The words I have chosen have been in the law for 36 years. I see I have used 10 minutes.

The PRESIDENT pro tempore. The Chair notifies the Senator from Connecticut 10 minutes have expired.

Mr. DODD. I thank the Chair very much for that notice. I could have gone on. As you can see, I was building up a head of steam.

I see my friend from New Hampshire is in the Chamber. There are several colleagues—at least one I know of—who want to be heard on this subject. I want to reserve some time for them.

Would my colleague from New Hampshire like to go at this point? He knows he wanted to respond to some of these very thoughtful and persuasive arguments I am making.

Mr. GREGG. Mr. President, at this time I reserve my time because last night I was so eloquent, I am just at a loss for words today.

Mr. DODD. So I have heard.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to both sides.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. There being no objection, the quorum call is rescinded.

The Senator from Connecticut.

Mr. DODD. While I am waiting for one of my colleagues to enter the Chamber, I will just take a few more minutes to share some additional thoughts on why I believe this amendment is worthwhile. And I will anticipate some of the arguments my good friend from New Hampshire will raise in his eloquent opposition to this amendment so that my colleagues may have time to think about them.

I am confident my colleague is going to call this a cookie-cutter approach, that I want to establish, at a Federal level, what every classroom in America is going to look like. I tell that we could be further from the truth. What this amendment requires is that every child in a State have a comparable educational opportunity with other children in that same State. Last evening, I cited the supreme court decision in the State of New Hampshire, which makes the case more eloquently than I could, saying that in the State of New Hampshire children, regardless of the community in which they are raised, ought to have an equal opportunity. I stand by the wording. "I treat them as I do not believe any of us has an obligation to guarantee any person in America success. That has never been the American way.

What we have always believed, since the founding days of our Republic, is that equal opportunity has been the magnet which has drawn the world to our shores. Where people had been denied opportunities for a variety of reasons—religious, ethnic, gender, whatever—there was the promise where they get judged on their abilities.

There are countless stories of people, coming from the most humble of origins, who have risen to the very heights in their chosen field of endeavor. I could cite the example of the Presiding Officer as a case in point, if he wouldn't mind my making personal reference to it. Providing an equal opportunity to everybody, that is all this is. What happens to the person who has become a teacher? What happens to the teacher next door who has been a third-grade teacher? What happens to the quality of education? If you don't have a good educational opportunity, it is very difficult to achieve your full potential.

My great-grandmother, when she came to this country with my great-grandfather, was about 16 years old. They were married. They came from a small community on the western coast of Ireland. The first thing she did—she couldn't read or write—was to get herself elected to the local school board in the 19th century because she understood that education was going to be the key. She had been raised in a country where she couldn't go to school because of her religion. She understood that an opportunity for herself and her family—her nine children, my grandfather being the ninth child—was going to be education.

Educational opportunity is what I am focusing on. As we have been saying to school districts across America for 36 years, you must provide comparable educational opportunity for each child within that school district. I am expanding that equation to say in each State because the States really bear the responsibility for funding education through decisions made by the legislatures. How do they fund education? It is a State decision and a local decision. We are mandating things at the local level and we are leaving out the State level.

I am suggesting that States also have a responsibility to meet their obligations. If we are going to mandate performance and not provide the funding for it and exclude the States from being accountable, then we are going to be back here a few years from now asserting that the Federal Government mandated something, but did not fund it.

I see my friend from Maine, Senator Collins, on the floor who believes passionately in our responsibility for funding special education. I agree with her. In fact, we have all fought hard to see that we meet that obligation.

The underlying bill we are considering mandates that children do better in schools. We set standards that are going to have to be met. We are going to have to provide resources for this. Some communities do not have the resources; others do. I am suggesting that if we mandate performance and not provide the resources for children to achieve that level of performance is dangerous.

I see my colleague from New Jersey. How much time remains on the proponents' side of the amendment?

The PRESIDENT pro tempore. The proponents have 14 minutes remaining.

Mr. DODD. I yield 10 minutes to my colleague from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 10 minutes.

Mr. CORZINE. Mr. President, I am honored that the President pro tempore is in the chair. It is great to see him there.

I also am pleased that I have this opportunity to stand in support of the Dodd-Biden amendment, which is designed to make sure that every child in America has access to the equal promise of a quality education. The Dodd-Biden amendment on school service comparability is a terrific initiative. This amendment is structured so all children have access to comparable quality education—not identical, but quality comparable education.

It is a goal that all of us surely have to believe is as important as equal test results. Equal opportunity is just as important as equal outcomes as measured by standardized tests.

This amendment is more than common sense, too. It actually fulfills the promise that we as a nation make to all of our children—that we will provide every child in America with access to the quality education through standardized tests.

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Title 1 kids should have access to every opportunity to make the American promise that flows from that, regardless of race, the family's income, or where they live. As my colleagues have already described, this amendment would
encourage States to ensure that all students receive a comparable education in several critical areas: class size, teacher qualifications, curriculum, access to technology, and school safety. These are just common-sense actions that we ought to be providing for every child a similar educational experience.

They allow for the full potential of all of our children. Every child has a right to a qualified teacher. All of us believe that child has a right to a challenging curriculum. Every child has a right to go to school in a safe and quality school building. In my State of New Jersey, there are many schools 100 years old, with an average age of 57 years. In our urban areas, it is a serious problem.

A ZIP Code should not determine the quality of a child’s education. I hope this is a basic premise on which we can all agree. Unfortunately, in my State and around the country ZIP Codes often determine the quality of education a child receives. Children in one town where there is a serious tax base for them to operate under receive a high-quality education. In other towns, adjacent to those very same communities, there is a dramatically lower quality education because they don’t have the resources to provide for those quality teachers, the quality schools, the kinds of curricula that will make a difference.

The reality is that property taxes in this country often determine who gets a quality education and the resources available to provide those services. This amendment strikes at the heart of that to try to bring equality, comparability, not identical results and services, but comparable ones.

Inequality by geography, race, and class is close to a national disgrace. If you see the difference from one place to another in schools across the country, you understand how we can tolerate it. It robs children of equal access to the American promise. Unless we address this problem, as the Dodd amendment would begin to do, that inequality in our educational system will grow wider and wider through time, perpetuating a sense of unfairness in our society. We need to address it up front. This amendment does that.

Title I was designed to be the engine of change for low-income school districts. That amendment would add fuel to that engine, requiring States to ensure that all students receive a comparable education—again, not identical, comparable—regardless of where they live or their family’s income, race, or nationality.

In my State of New Jersey, we have been struggling with this promise for the better part of 30 years, providing equal access to a quality education. Thirty years ago we had a case before our State supreme court, Abbey v. Burke. The court ordered the education offered to urban students to be “tragically inadequate” and “severely inferior.” This was a landmark case. The court ordered the most comprehensive set of educational rights for urban schoolchildren in the Nation.

In New Jersey, we are proud of this ruling. Under Abbott, urban students have a right to school funding at substantially higher levels than suburban school districts what they call “parity funding”—this is what the Dodd-Biden amendment is working towards; educationally adequate school facilities; and intensive preschool and other supplemental programs to wipe out the disadvantages. Title I would not address the glaring disparity built into the system of how we provide resources to those schools.

Fortunately, Abbott has been a success. It is not perfect. We haven’t made all of those transitions to comparable outcomes, but New Jersey has made real progress in equalizing the education provided to students in our communities. The Federal Government must play a role as well in ensuring that the children who need the most, get the most. Title I has gone a long way. What this amendment is doing is asking States on a national basis to do what New Jersey has already done.

A substantial portion of the debate on this education bill has been about accountability. We demand accountability from students, teachers, schools, everybody under the sun, but we also need to demand accountability from the States with regard to providing comparable funding, comparable services for our kids so they can get to those equal outcomes. For example, starting in third grade, we will begin testing all students, with drastic measures for failing scores. We require equal outcomes on test scores, but we will not provide equal resources. I find that hard to believe. That is not consistent with America’s sense of fairness. We demand accountability of students, parents, teachers, but we do not address the glaring disparity built into the system of how we provide resources to those schools.

I support high standards. I support accountability, but accountability measures alone are not sufficient to provide an adequate education. We must ensure that every school and every child has the level of resources necessary for a rigorous education and necessary to meet those standards.

It is in this light that I strongly support the Dodd-Biden amendment, because it goes right at that equality of opportunity, through resources, that is critical to ensuring equality of outcomes.

I thank the Chair. The PRESIDING OFFICER (Mr. DAYTON). The Senator from Connecticut.

Mr. DODD. I thank my colleague from New Jersey for his very eloquent statement. In my State of Connecticut, we have a real intent to address this issue, as in New Jersey, in Minnesota as well. Many of our States are working hard at this but, as the Senator from New Jersey said, there is still a huge gap in terms of educational opportunity.

Mr. President, I yield 3 minutes to my colleague from Minnesota.

The PRESIDING OFFICER. The distinguished Senator from Minnesota.

Mr. WELSTON. I thank the Senator from New Jersey.

Let me just in 3 minutes lend my support to this very important amendment. I will try to do this a little differently. I think that what is offered by Senator DODD, joined by Senator BIDEN, is, at least to me, obvious. This is an amendment offered by a Senator who spends a lot of time in schools. Not every Senator does. Senator Dodd is in schools all the time in Connecticut and probably around the country.

What Senator DODD is saying is this comparability amendment has to do with making sure we deal with—and I assume that the most noted author of children’s education, Jonathan Kozol, is smiling. This is all about his book “Savage Inequality.” What the Senator is saying is let us have some comparability when it comes to class size, access to technology, safe schools, curriculum and teachers.

I would just say to Senator Dodd that as we have gone forward with this bill, I have had all of these e-mails from around the country from all of these teachers, sometimes parents, sometimes students, but these teachers are the ones who know, these are the teachers who are—I think the Senator’s sister is a teacher in fact—in the inner-city schools. They are in the trenches. They have stayed with it. They are totally committed. They are saying: For God’s sake, please, also in the Senate, above and beyond talking about annual testing, give us the tools to make sure the children can achieve. Please talk about the importance of good teachers, qualified teachers. Please talk about the importance of access to technology. Please talk about the importance of dividing school buildings. Please talk about the importance that schools should be safe. Please talk about all of the resources that will make it possible for all the children in America to have the same opportunity to learn.

That is what this amendment is about. That is why this amendment is so important.

Mr. DODD. Mr. President, I reserve the remainder of my time, if I may.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we discussed this amendment a little bit yesterday—in fact, considerably yesterday—and I presented most of my thoughts. I know some other Members on my side are going to come down and talk about it. This amendment is an incredibly pervasive amendment and will have a fundamental effect on the Federal role in education. It will, in my
opinion, create an atmosphere where the Federal Government is essentially nationalizing the standards throughout the country for what education will be.

The way it does this is as follows: It says that every school district in a State has to be comparable, and it is up to the State to decide that comparability. But if the State doesn’t decide the comparability, then the Federal Government starts to withdraw the funds. And it also sets up the standards for what must be comparable because there is a Federal standard—what must be comparable under this amendment. The standard includes class size, qualifications of teachers by category of assignments, curriculum, range of courses offered, instructional material, instructional resources.

You essentially are saying the Federal Government is going to require comparability—comparability meaning that everybody does it essentially the same way—throughout the country, or at least throughout every State, within every State. Logically, the next step is to do it across the country from State to State.

As I mentioned last night, why should the State of Connecticut be allowed on that basis to do less for its children than the State of Mississippi? Should it not all be comparable? Under the logic of this amendment, that is the next step. Connecticut should send money to Mississippi. The same amount you spend in Connecticut should be spent on the child in Mississippi.

But more importantly than that, or equally important to that, this goes to the heart of what I think is the essential quality of education which is the uniqueness and creativity of the local community to control how their children are educated. One town in a State is going to have a certain set of ideas on how education should be provided versus another town in that State.

Granting all that, going to have to get their children to a certain level of ability in the core subject matter—English, math, science—in order that the children be competitive. But how they get their children up to that level of competency is left up to the school district under our bill. The local school district has the flexibility. And then the ancillary aspects of the school system are left up to the school districts—ancillary being integral in the sense of foreign languages, for example, computer instruction, special education programs, community outreach programs.

But under this amendment, that would no longer be the case. There would have to be comparability. Every town and community within the State would have to do it the same way in all these different areas of discipline.

So in one part of the State you might have a community that believes, because of the ethnic makeup of the city or the community, they need special reading instruction in one language—say, Spanish or Greek—because they have a large community of immigrants, of people who have immigrated to our country, and in another part of the State they may not have that issue but they may have an issue of wanting to get their children up to speed in the area of the industry which dominates that region—say, forestry. For example, they might want to have a special program to produce silviculturists. You could not do that anymore. You could not have those different approaches to education within the school system. They would all have to be comparable under this amendment.

It makes absolutely no sense that we as the Federal Government should set that sort of standard on the States and on the local communities.

Then there are a couple of very specific issues where this amendment clearly creates a huge threat. The first is charter schools. This amendment essentially eliminates the capacity to have charter schools because charter schools, by definition, differ. That is why they are different. They are different. That is what you have with a charter school. You get together a group of parents, teachers, and kids and say: We are going to teach differently than local schools. We are going to do it with public money. We are talking about public charter schools here. But we are going to do it differently. Those schools would be wiped out because you could not be different. You would have to be comparable. And the magnet schools would not work because you could not be different under the amendment. That is the theme of this amendment. If you do not have sameness, you do not have fairness.

I have to say I do not believe that is true at all. I think you get fairness by producing results. You get fairness by producing results, not by controlling the input but by controlling the output.

If a child goes through the system and learns effectively, then you have fairness. If a child does not go through the system and learn effectively, then you do not have fairness.

What this underlying bill does and what the President proposes is to require that children learn effectively, not require that all children be taught exactly the same way, because one does not necessarily learn that way. There are a lot of school systems that feel that way.

There are another major issue which is called the collective bargaining system. In one part of a State, for example, they might have an agreement with their local teachers union that says: We are going to have 20 kids in a classroom, but we are going to pay our teachers a lot more because we think our teachers are able to handle 20 kids and are good teachers.

In another part of the State, they might have 15 kids in the classroom and pay their teachers less, or they might work on a different day schedule, might work on a different structure of their day, or might work on a different responsibility area to within a State as to what teachers do.

They may have a program where teachers are required to, under their contract, be involved in extra-curricular activities, and in other parts of the State that might not be the case.

There are different retirement standards from community to community. Some communities may not. It all depends on the collective bargaining agreement.

Collective bargaining agreements would be inconsistent with this amendment. In fact, it would be a Catch-22 for a State that does not collectively bargain its teachers statewide. I do not know too many States that do collectively bargain their teachers statewide. Most States bargain community by community, not State by State. So this becomes a totally— I do not know if it becomes unenforceable; maybe it overrides the collective bargaining agreement.

I do not know how the sponsor of the amendment intends to handle that very significant problem, but it is a big problem because comparability clearly cannot work if there is a collective bargaining agreement in any part of the State which presents one significantly different approach than another part of the State. They then cannot be comparable and consistent with the collective bargaining agreement.

This amendment is first, obviously, a philosophical anathema to my view of how to educate in this country, which is we should maintain and promote local control; we should not undermine local control by requiring everybody to do everything the same.

That is the key problem with the amendment, but it also has huge technical implications for the creativity of local communities in the area of charter schools, magnet schools, different curricular activity that might be appropriate to one region over another region or different fiscal activity, structure.

For example, I suspect a school in southern California does not need the same heating system as a school in northern California, and yet under this amendment they have to have the same heating system. They would have to actually have the same heating system because they would have to have the same resources, the same buildings.

That is the way it is written. It says it has to be comparable. It says the
physical facilities have to be comparable. Institutional resources have to be comparable.

Mr. DODD. Will my colleague yield on this point?

Mr. GREGG. I will be happy to yield.

Mr. DODD. I thank my colleague. This is an important point. Again, I have great affection for my friend from New Hampshire.

Mr. DODD. I am yielding for a question.

Mr. GREGG. Yielding for a question.

As my colleague must be aware—and this is in the form of a question, Mr. President—we have had the word “comparable” on the books regarding school districts for 36 years. The law has said that within school districts, educational opportunity must be comparable.

Is it not true, I ask my friend from New Hampshire, that magnet schools, charter schools, and science schools have all functioned within school districts with a Federal law that has required or mandated comparable educational opportunity?

I am not changing that. I am just extending the geography from school districts to districts. I do not apply any new standards from those that have existed in the law for more than three decades.

Mr. GREGG. Mr. President, I appreciate the Senator from Connecticut raising the issue because the fact is he has taken the term “comparability,” which is today used in an extremely narrow application and in a very loose enforcement application—in other words, it applies simply to communities and it applies to teachers essentially and to curriculum within the teaching community—it has been extremely loosely applied to communities, and the Senator from Connecticut has taken that word and has expanded it radically to essentially the whole State.

The Senator from Connecticut uses as an example, for example, the New Hampshire Supreme Court decision in this area which did exactly that. It expanded the issue of funding and equality of funding radically throughout the whole State so everybody had to do it the same way, changing the whole system of education within the State of New Hampshire.

Senator Dodd is suggesting doing the same thing with the word “comparable” on a statewide basis and having the Federal Government come in and set what the term “comparability” means now in a much more precise and mandatory way.

What is the issue in his amendment such as “comparability,” among other things, shall include:

(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 extracurricular activities such as remedial 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.

That is getting pretty specific and inclusive and much different from the way comparability is used in present law. That is a fact.

Mr. DODD. Mr. President, if my colleague will yield further, he has just recited very accurately the provision on page 2 of the amendment of things under “Written Assurance.”

A State shall be considered to have met the requirements [of this amendment] if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability of services in certain areas.

If my colleague reads further down to “class size,” we do not say what class size, what qualifications. We all know, and I ask my colleague this in the form of a question, whether in this language where it sets class size, where it sets the standard by the Federal Government, other than saying the State should have comparability of those standards without setting the standard?

Mr. GREGG. Absolutely. That is the whole point. If I may reclaim my time. That is exactly what this does. It says that a State must have a comparable class size across that State, which means California, which is a huge State and which may have variations in class size depending on what communities have decided is best, both by negotiating with their teachers union and working with their students, their parents, and their teachers those States now are not going to be able to do that any longer, those communities are not going to be able to do that any longer. They are going to have to set one class size for the entire State, comparable across the State.

Curriculum: For example, I cannot imagine anything more intrusive than having the States say unilaterally you have to have a comparable curriculum on all the different categories of curriculum. There may be some communities that do not believe they need a curriculum that deals with some of these core issues. Obviously, on core issues such as math, science, and English, they are going to have comparable across the whole State. You will not. Maybe they will not. Maybe some States will let some type of American history be taught in one section and another type of American history be taught in a different section. American history should be consistent. There are other issues. What about languages? They might want to teach Japanese in San Francisco, but maybe in San Diego they want to teach Chinese or Spanish.

The comparability language is so pervasive that it basically takes everything and makes oneness, which was the point of the argument of the Senator from Connecticut to begin with. I do not see how he can argue against his own position, which is he believes that in order for people to be tested and to be held to a standard, then everybody has to have equal access to the same opportunities of curriculum, class size, and structure—everything has to be essentially at the same level. That was his argument, was it not?

Mr. DODD. Will my colleague let me respond without asking a question?

Mr. GREGG. On the Senator’s time I will be happy to.

Mr. DODD. I think I am out of time. Mr. President, what is the ruling?

The PRESIDING OFFICER. The Senator from New Hampshire has 14 minutes, and the Senator from Connecticut has 3 minutes.

Mr. DODD. Mr. President, on my time, the point I am making—in fact, we debated this yesterday—is that the words “comparable” and “identical” are not synonymous. “Comparable” allows for great latitude. We have mandated comparability within school districts.

If you take the school districts of Los Angeles and New York, there are more students in each of those school districts than in 27 different States. They have found it very workable to have reached comparable levels of educational opportunity within a very diverse student population, in the city of New York and the city of Los Angeles, to cite two examples. There are plenty of other school districts that have student populations vastly in excess of the entire student populations of States that have dealt with this requirement for years.

My point is, States bear a responsibility in educating children. This bill, and legislation preceding it over the years, has mandated that teachers, parents, students, school boards, and school superintendents be accountable and responsible. We are asking it of them at the Federal level. My amendment merely says, should we not also ask our States to be accountable for the equal educational opportunity of all children? That is all.

We have laid out some basic commonsense standards without mandating what the standard should specifically. For example, individual science schools exist in Los Angeles and New York. My colleague mentioned Stuyvesant High School. When the Federal Government said, “comparable” in the school district of New York, it did not wipe out Bedford Stuyvesant High School. That school has done well under a Federal mandate of comparability.

We are mandating there be better performance, but if we do not say to States, as much as we are saying to school districts, that there has to be a comparable educational opportunity, we are setting a standard that poor communities, rural and urban, will not meet.

In New Hampshire, the supreme court decision was most eloquent in
pointing out it was wrong to mandate that a small, poor community be required to increase its property tax fourfold to meet those responsibilities without the State stepping forward. The court said that "[T]o hold otherwise would mean it is reasonable, in discharging a State obligation, to tax property owners in one town or city as much as four times the amount taxed to others similarly situated in other towns or cities."

It is an eloquent statement.

In closing, I thank my colleagues from New Jersey and Minnesota for their support and ask all my colleagues to join me, Senator BIDEN, and Senator REED, in supporting this amendment to provide equal educational opportunity for all children in a State. This amendment is supported by the National PTA, the National Education Association, the Council of the Great City Schools, which represents the largest 50 school districts in the country, and the Leadership Conference for Civil Rights, which includes 180 prominent organizations, such as the AARP, the American Association of University Women, the AFL-CIO, the American Federation of Teachers, the American Veterans Committee, Catholic Charities USA, the NAACP, the National Council of Jewish Women, the National Council of La Raza, the National Urban League, the YMCA, the YWCA, and others.

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

Mr. DODD. I yield the Senator 30 seconds.

Mr. DODD. I appreciate the candor of that answer. People from New Hampshire are noted for their brevity in coming right to the point. He does not gussy it up with trappings and garnishes.

I thank my colleague.

Mr. DODD. I appreciate the candor of that answer. People from New Hampshire are noted for their brevity in coming right to the point. He does not gussy it up with trappings and garnishes.

I thank my colleague.

Mr. DODD. I thank the Senator from Connecticut for his description.

This amendment goes to the heart of this bill. I don't think the impact this amendment will have on changing the focus of the President's proposals on education as negotiated between a variety of parties involved in the negotiation can be understated.

There was an agreed to set of principles by the Senate. The basic premise of those principles was that we were going to look at how the child did, whether the child actually learned more, whether the low-income child was in a better competitive position relative to peers and educational success was in the hands of the local school systems, subject to assuring through assessment standards and accountability standards that the children were improving.

That was the flow: Focus on the child, flexibility, expect academic achievement, and subject it to accountability so we knew it was working. A lot of work went into this concept. The President's ideas are aggressive and creative and they will take the Federal Government in a different direction. We will go away from command and control and go toward output. We will go away from trying to find out how many books are in a classroom, how big the classroom should be, and how many books they have in the classroom to seeing how much a child is learning and making sure when that child learns they are learning something relative to them and that they are staying with their peers. We will give parents more authority and flexibility and capacity to help the education of their children and have some say when their children are stuck in schools that are failing.

These are themes that are critical to improving Federal education. This amendment goes in the exact opposite direction. I used the term "nationalization" yesterday. I don't think that is too strong. This is an attempt to assert a national policy essentially on all school districts in this country. That is extremely pervasive and requires a cookie-cutter approach to education and takes away local control. Therefore, the amendment essentially does fundamental harm which is irreparable to this bill, in my opinion. That is why we have such strong reservations.

I yield such time remaining to the Senator from Tennessee.

Mr. FRIST. How much time remains?

The PRESIDING OFFICER. There are 9 minutes remaining.

Mr. FRIST. I will speak and give the floor to the Senator from Maine when she arrives.

I believe this amendment is one that we absolutely must defeat if we stick with the principles of flexibility of local control, of shifting the power of review locally instead of federally. The underlying principle that is critically important to the BEST bill which the President has set out in his agenda, discussed often in this bill, is leaving no child behind.

There are basically two issues that bother me most about this amendment. No. 1, as I mentioned, the power of re-

view has shifted to the Federal Government, the Department of Education, to Washington, DC, and, No. 2, this amendment would broaden the intrusiveness of local control. Those principles are exactly opposite of what the Administration is looking for. What most Americans believe, and that is local control, less Government intrusiveness, and more accountability.

In terms of intent, the amendment is clearly positive. It is honorable. The intent is that every student receives an equal education. The problem is the specifics of how that intent is accomplished—again, more Federal oversight instead of local, and more intrusiveness.

What does it mean? It means in a State such as Tennessee, if there is a rural school that has no limited-English-proficient students, they will still have to have as many bilingual education teachers as a school, say, in Nashville, TN. That sort of vagueness about what comparability means ultimately is translated down into something very specific which simply does not make sense to me when you look within a State—for example, Tennessee.

How will a State measure comparability of teacher qualifications, of seniority, of level of education? I ask, regarding the services identified—teachers, instructional materials, technology service, the school safety services, the bilingual education services—how do we know those are the absolute answers to all students? We simply do not. I believe the only strings attached to Federal dollars should be those that insist on demonstrable results.

I see the Senator from Maine has arrived. We only have about 4 minutes left, so I will yield to her. But let me just close and say instead of funding improvements, instead of concentrating on services and inputs, instead of monitoring progress versus regulations, we absolutely must focus on student achievement—something which this amendment does not do. It aggravates the situation and moves in the opposite direction.

I yield the floor.

Mr. KENNEDY. Mr. President, I am happy to ask consent for 10 minutes equally divided, if that isagreeable. This is a very important amendment. Would that be sufficient time? I ask for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from Connecticut is such a strong advocate for our Nation's children. I have enjoyed working with him on so many issues. But as much as I admire him and share his commitment, I do rise in opposition to the amendment of Senator Dodd.

This amendment, although it is very well intentioned, is contrary to the goal of this education reform bill which is to give more flexibility to local schools and to States while holding them accountable for what really
counts, and that is student achievement, ensuring that every child is learning, that no child is left behind.

Comparability of services is a concept that was created to make sure that title I schools get services comparable to those received in nontitle I schools. But the amendment of the Senator from Connecticut simply goes too far. It would, for example, require States to ensure comparability among schools in class size, in qualifications of teachers by category of assignments such as regular education, special education, bilingual education. It would mandate the same courses be offered, the range of courses, and how rigorous they are. It is extraordinarily prescriptive. It really turns on its head the whole idea of leaving to States and local communities the issues of curriculum design and teacher qualifications.

For example, we know very well the needs of schools vary from community to community. My brother, Sam Colliers, is chair of the school board in Caribou, ME, my hometown. Through his efforts and efforts of other local leaders, the school system has established a bilingual education program in the elementary schools. It is a wonderful program. But under the Dodd amendment, that program would have to exist in every school in Maine. That is not just practical.

Similarly, in Portland, ME, we have a large number of students with limited English proficiency. That means there is a great need for ESL teachers and bilingual teachers in that school system. But in other more rural parts of Maine that need simply doesn’t exist.

This amendment simply is impractical. It is just not workable, in addition to being contrary to the concept of allowing those who know our students best—our local school boards, our teachers, our principals, our superintendents of schools—to design the curriculum and provide the courses and other needs for a local school.

Schools differ. One school may need a gifted and talented program; another may need to improve its library; still another may need to establish an ESL program. In short, one size does not fit all. Yet that is the implication and the premise of the amendment of the Senator from Connecticut.

This amendment would shift the power away from local communities and local school boards to Washington. We want to, instead, empower local communities to make the right decisions and then, very importantly, hold them accountable for results. We want to change the focus from paperwork and process and regulation and, instead, focus on what really matters, and that is ensuring that every child in America gets the very best education possible.

We want to do that by holding schools and States accountable, not by telling them what courses they need to have, not by prescribing every rule, every regulation. Let’s trust our teachers and our local school board members. Let’s trust the local teachers and superintendents. They know best what is needed.

I urge opposition to the amendment of my colleague, Senator DODD. Again, he is a strong advocate for our Nation’s schools, and I have enjoyed working with him, but I believe his amendment goes too far and is misguided.

I remind Members of our time for our side, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as we return to debate on the Dodd-Biden amendment, I want to clarify for Members just what the amendment does and add two points that were not made yesterday.

The amendment conditions title I state administration funds—1 percent of total state funds—on a written assurance that “comparable,” not identical, essential education services, such as teacher quality and access to technology, are provided across districts. States have up to four years to comply. If a state is found to be in noncompliance, it must submit a written assurance to the Secretary, their administrative funds are withheld. Once a state sends a written assurance, any previously withheld funds are returned. All a state has to do is file a piece of paper. If a state is not too modest in not allowing the Secretary to engage in a more searching inquiry into whether the written assurance actually reflects a comparable education being offered.

This amendment is still groundbreaking, however. Since 1965, we have required individual school districts to provide a written assurance that they are offering a comparable regular education in title I and non-title I schools. We have asked all States to assure that comparable services are provided among schools in different school districts. This amendment does. Whereas all title I program funds are conditioned on local compliance currently, only title I state administration are conditioned under the Dodd-Biden amendment.

There are two additional points, which were not raised yesterday, that I would like to add. First, state test scores and state accountability go back in state court because of its failure to provide a comparable educational opportunity across districts. A State Supreme Court orders improvement. Some improvement is made. But then progress quickly erodes. And the parents of poor children have to go back to court. Since 1968, there have been five iterations of the Serrano case in California, six of the Abbott case in New Jersey, and five of the Edgewood case in Texas.

This amendment is significant in not just requiring states to provide a comparable opportunity, but in actually reaching into the state’s federal pocketbook if it resists. Maybe when there are federal financial consequences for state resistance to State supreme court orders, states will do a better job of complying with judicial orders.

Second, the Senator from New Hampshire yesterday repeated a outdated argument that “education is not a formula where more dollars equal better results.” We have known for a long time though that money well spend does make a difference. In fact, the last time we reauthorized ESEA, we had a series of hearings on this issue.

We heard as far back as 1993, that increased education spending targeted to critical areas like teacher quality have a profound effect on student achievement. This is what we heard from Dr. Ronald Ferguson of Harvard University after studying teacher quality and student assessment results in every Texas school district.

A measure of teachers’ literacy skills explains roughly 25 percent of the variation among Texas school districts in students’ average reading and math scores on statewide standardized exams. Better literacy skills among teachers, fewer large classes, and more teachers with five or more years experience all predict better (test) scores.

And yet, the other side is saying that we are sending money from some communities and giving it to others. I think we should equalize spending by taking money from some communities and giving it to others. I think we should equalize up by sending more targeted education resources to the communities that are deprived. I hope the President and the other side will join us in that effort to boost education spending overall.

Every child deserves a fair chance. I am rather amazed at these statements that are made on the floor about how this undermines the President’s initiatives. Because to the contrary, this does not interfere with any of the President’s initiatives. I think it gives much more life to the President’s initiatives, because Senator DODD’s amendment is going to encourage States to send money to the most needy students in the State. That is completely consistent with what the President has stated.

I am rather surprised, frankly, by the reaction of our Republican friends because this has been on a list of amendments to be considered for 3 weeks. This is the first amendment about which I have heard our Republican friends indicate we will not get a vote on it. I do not know what kind of signal that sends. It has been on the list for 3 weeks, and 3 minutes and 5 seconds for the first time the spokesperson for the Republican Party say we are not going to vote on it.
I do not know what kind of message that sends in our attempt to try to move this legislation, but it certainly is not a useful one or a constructive one.

I ask my friends on the other side to re-read the language of the amendment. It says:

A State shall be considered to have met the requirements . . . if such State has filed with the Secretary a written assurance that such State has established and implemented policies to ensure comparability among schools . . . All they have to do is file the statement. It will be the existing legislation that requires the Secretary to have approval on State tests. That is real power. Or that the Secretary has to approve the State’s findings in terms of standards. That is real power. Or the fact the Secretary will make a judgment on a State’s application for Straight A’s authority. That is real power. Those are decisions that will be made here in Washington.

But to confuse that kind of authority and power with the language here is most unfortunate. Why are they so excited so early in the morning about this language? All this about accountability for States in the equation. That is all this. That’s compliance.

I reiterate that we have had hearings on this issue in the past. We had days of hearings on school finance. The record of those hearings is printed in Senate 103-254. This is not a new concept. This is not a new idea. We have accepted the concept of comparability at the local levels. All this is doing is saying what I think the President wants to do; that is, he wants accountability statewide.

We want accountability for the children so they are going to work hard and compete. We want accountability for the teachers to make sure we are going to have teachers who are going to get professional development. We want accountability for States in developing standards, and accountability for States are going to develop tests that are going to be high-quality tests.

We have accountability here in the Congress to try to afford the resources to be able to help these children.

All the Senator from Connecticut is saying is let’s have accountability. Let’s have accountability for the States as well to be a part of a team. Most parents would want their children to learn. Learning should be a partnership with the local, State, and the Federal response in areas of the neediest children in this country.

I think this enhances the President’s initiative. This carries it to an additional level. I hope he would be on the phone calling our friends and saying let’s have a unanimous, favorable vote for this particular provision.

I yield the remaining time to the Senator from Connecticut.

AMENDMENT NO. 459, AS FURTHER MODIFIED

Mr. DODD. Mr. President, first of all, I send a modification of my amend-

ment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

The amendment (No. 459), as further modified, reads as follows: On page 135, between lines 9 and 10, insert the following:

(d) Section 1120A (20 U.S.C. 6322) is amended by inserting the following after subsection (d):

(6) COMPARABILITY OF SERVICES.—

(i) in general.—(A) A State shall receive funds under paragraph (2) if it has in place a plan that details the manner in which the State will comply with such requirement by the end of the waiver period.

(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.

(3) 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.

(d) Section 1120A (20 U.S.C. 6322) is amended by inserting the following after subsection (A):

(6) COMPARABILITY OF SERVICES.—

(i) in general.—(A) 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) 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.

(2) Written assurance.—(A) A State shall be considered to have met the requirements of this subsection by not later than the beginning of the 2005-2006 school year.

(e) waiver.

(A) In general.—A State may request, and the Secretary may grant, a waiver of the requirements of this subsection if such State has established and implemented policies to ensure comparability among schools.

(B) 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.

(C) Compliance in this subsection shall be construed to require a jurisdiction to increase its property tax or other tax rates.

(2) Effective date.—A State shall comply with the requirements of this subsection by not later than the beginning of the 2005-2006 school year.

(f) waiver.

(A) In general.—A State may request, and the Secretary may grant, a waiver of the requirements of this subsection if such State has established and implemented policies to ensure comparability among schools.

(B) 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.

(c) Technical assistance.

A State that requests a waiver under subparagraph (A) shall include in the request—

1. a description of the exceptional circumstances that prevent the State from complying with the requirements of this subsection;

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

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

(e) 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. Mr. President, I discussed the amendment with my good friend from New Hampshire. The way I have dealt with the modification is to take out the section that speaks to the specific kinds of comparability issues such as class size and the like. My intention was not to suggest we ought to have identical class size standards set by the Federal Government or to mandate how States should provide equal educational opportunity, but rather to ensure that they do provide it. Therefore, I have left the language basically as it has been for 36 years when dealing with school districts; that is, achieve comparability of educational opportunities, except to apply it to States, as well.

As I pointed out, we have school districts in this country that have student populations in excess of the population of 27 States, and they have been able to work with comparability, without, to use the example that concerned my friend from New Hampshire, infringing upon school districts or magnet schools.

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

Mr. DODD. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. GREGG. Mr. President, I ask unanimous consent that the request be modified to add 1 additional minute on consideration.

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

Mr. DODD. Mr. President, I appreciate the comments of my friend and colleague from Massachusetts on this issue. He makes the point very clearly. This is not radical. We are asking for accountability and responsibility by everybody when it comes to education. We are assuming it here at the Federal level with the underlying bill. We are requiring it of you. I am saying in the third grade and on, their parents, teachers, schools, and school boards. I am only saying that States must be part of this equation. That is all this is—to provide for comparable educational opportunity at the State level as we have required for 36 years at a district level. We leave to the Secretary the discretion about how much to withhold administrative funds—not funds to children—if necessary. For States to provide assurances that they are moving toward achieving comparability is not radical. That is common sense. We are asking to test everybody in America. We ought to ask the States to take a little test as well.

I thank my colleagues.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GREGG. 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. DODD. Mr. President, I withdraw my request for the nays and yeas.

Mr. GREGG. Mr. President, let me summarize the problem. I appreciate the fact that the Senator from Connecticut has modified his amendment.
I appreciate him doing that and taking out some of the language that is most onerous in the amendment. But the amendment still accomplishes essentially the same thing, which is creating a Federal standard requiring every State to set up comparability standards. There are a lot of States in this country and a lot of communities in this country which do not agree that comparability is appropriate; that believe the States should have flexibility from community to community to decide what they operate their school system. Local control is the essence of education. If a State decides it wants comparability, or its supreme court decides that, or the State legislature decides that, fine. That is certainly their responsibility and their right. They operate school systems. They pay for 97 percent of the school systems, and they should be able to do that. They do that. The Supreme Court did that in the area of funding. But it is not the role of the Federal Government to come in after paying 6 percent of the cost of the school system and say to States that every State has to have comparability within their State. It is a huge intrusion of the Federal role in the role of education.

For that reason, it goes, as I mentioned earlier, directly in the opposite direction from what the theme of this bill is. I am not going to reiterate that because I just said it 10 or 15 minutes ago. But that is the problem of the amendment. It is incredibly intrusive, and it goes in the direct opposite direction from where this bill is going.

That is why we on our side strongly oppose it and believe it is inconsistent with the agreement that was reached. We need to think about it a little bit longer before we decide how we are going to dispose of it.

I appreciate the Senator from Connecticut withdrawing his request for the yeas and nays. Maybe as we move down the road, we can figure out a way to more appropriately handle this amendment.

I yield the remainder of our time on this amendment.

AMENDMENT NO. 336 (Purpose: To promote financial education)

On page 619, line 6, strike "and"; on page 619, lines 7 and 8, strike the following:

"(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal and financial management skills (including the basic principles involved in earning, spending, saving, and investing)."

AMENDMENT NO. 401 (Purpose: To assist parents in becoming active participants in the education of their children)

On page 479, strike line 8 and insert the following:

"for limited English proficient students, and to assist parents to become active participants in the education of their children.

AMENDMENT NO. 513, AS MODIFIED (Purpose: To expand the permissible uses of funds)

On page 318, strike lines 22 through 25, and insert the following:

"(5) Developing and implementing effective mechanisms to assist local education agencies and schools in effectively recruiting and retaining highly qualified teachers and principals, and in cases in which a State deems appropriate, pupil services personnel."

On page 390, between lines 19 and 20, insert the following:

"(12) Providing professional development for teachers and pupil services personnel."

AMENDMENT NO. 642 (Purpose: To provide for Indian education)

On page 178, between lines 19 and 20, insert the following:

"(4) RESERVATION FROM APPROPRIATIONS. From the amounts appropriated under section 1002(b)(2) to carry out this subpart for a fiscal year, the Secretary shall—"

"(A) reserve ½ of 1 percent for allotments for the States of American Samoa and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart; and"

"(B) reserve ½ of 1 percent for allotments for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs."

On page 808, strike lines 15 and 16.

AMENDMENT NO. 354 (Purpose: To revise the definition of parental involvement)

On page 12, strike lines 23 through 24.

On page 13, strike lines 1 through 2, and insert the following:

"PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents in regular, two-way, and meaningful communication, including ensuring—"

"(A) that parenting skills are promoted and supported;"

"(B) that parents play an integral role in assisting student learning;"

"(C) that parents are welcome in the schools;"

"(D) that parents are included in decision-making and advisory committees; and"

"(E) the carrying out of other activities described in section 1118.

AMENDMENT NO. 469, AS MODIFIED (Purpose: To provide rural schools with options during the reconstitution process)

On page 99, between lines 22 and 23, Title I, Sec. 1118 (8)(B), is amended by inserting:

"(1) SPECIAL RULE.—Rural local educational agencies, as described in Sec. 5231(b) may apply to the Secretary for a waiver of the requirements under this sub-paragraph provided that they submit to the Secretary an alternative plan for making significant changes to improve student performance in the school, such as an academically-focused alternative school program, changing school administration or implementing a research-based, proven-effective, whole-school reform program. The Secretary shall approve or reject the application for a waiver submitted under this rule within 30 days of the submission of information required by the Secretary to apply for the waiver. If the Secretary fails to make a determination with respect to the waiver application within 30 days, the application shall be treated as having been accepted by the Secretary.

AMENDMENT NO. 363, AS MODIFIED (Purpose: To enable local educational agencies to extend the amount of educational time spent in schools, including enabling the agencies to extend the length of the school year to 210 days)

On page 67, line 18, strike "and".

On page 67, line 21, strike all after "118" and insert "and".

On page 67, between lines 21 and 22, insert the following:

"(11) where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools."

On page 161, between lines 9 and 10, insert the following:
SEC. 120D. SCHOOL YEAR EXTENSION ACTIVITIES.  
Subpart 1 part A title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:  
"SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.  
"(b) USE OF FUNDS.—  
"(1) IN GENERAL.—A local educational agency may use funds received under this part to—  
"(A) to extend the length of the school year to 210 days;  
"(B) to extend the length of the school year to 210 days;  
"(C) to provide the information described in paragraph (B) to the Secretary, on the results of student assessments (including disaggregated results) required under this section.  
"(D) research, develop, and implement strategies, including changes in curriculum and instruction.  
"(E) APPLICATION.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—  
"(I) the activities to be carried out under this section;  
"(II) any study or other information-gathering project for which funds will be used;  
"(III) methods that the applicant will use to enrich and extend learning time for all students and to maximize high quality instruction in the core academic areas during the school year, including block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;  
"(IV) the strategies and methods the applicant will use to ensure continuity of curriculum and instruction, to challenge and engage students and to maximize the productive learning time of all school students;  
"(V) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities described in this section;  
"(VI) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;  
"(VII) the strategies and methods the applicant will use to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of the school year, and the total time students spend in school and in school-related enrichment activities;  
"(VIII) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;  
"(IX) the strategies and methods the applicant will use to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of the school year, and the total time students spend in school and in school-related enrichment activities;  
"(X) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assisted under this section;  
"(XI) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;  
"(XII) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;  
"(XIII) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students and all State standards;  
"(XIV) the methods by which the applicant will assess progress in meeting such goals and objectives;  
"(XV) the recipient will use funds provided under this section in coordination with funds provided under other Federal laws."
The ESEA legislation that we are now debating, however, would provide for the entire Nation $400 million per year for developing and implementing the new tests. But the truth is that we don’t know exactly how much the new tests will cost.

The National Association of State Boards of Education has estimated the total national costs to be between $2.7 billion and $7 billion over 7 years.

The reality is that when it comes to the cost of these new tests, we are looking at a huge question mark. And we face the possibility that there could be a tremendous gap between funding available for these new tests and funding needed. This uncertainty places an unfair burden on our local districts and schools.

Last month, I joined my Senate colleagues in supporting full funding for the Individuals with Disabilities Education Act, or IDEA.

As did my colleagues, I needed the cry of local educators and parents who told us that Congress had not fulfilled its promise to fund 42 percent of IDEA. They told us that this failure has drained district coffers already scarce funds. They told us that these circumstances hurt the students in our schools. After years of delay, we raised our collective voice to recognize that Congress cannot place unfunded mandates on our schools.

Now, numerous letters have been pouring into my office from superintendents across Missouri, voicing concern about the cost of the new tests. Let me share some of them with you.

One is from David Legaard, the superintendent in Smithville, who wrote: The Smithville R-II School District supports your efforts. Our school district cannot afford to pay for mandated federal testing programs.

Don Lawrence, the superintendent in Savannah, MO, wrote: Rest assured the local school districts in the state will try to secure access to additional funds to pay for national school testing.

We should not make the same mistake with testing as we did with IDEA. We simply cannot put our State and local governments in the position of draining local resources to pay for new, unfunded Federal requirements.

The amendment I am offering today with my colleague, Senator Ben NELSON, does not require that our schools bear an unfair burden. The idea behind this amendment is straightforward: if new tests are required by the Federal Government, they should be paid for by the Federal Government. States would not be obligated to give the tests in any year that the Federal Government fails to provide 100 percent of the funding.

The Carnahan-Nelson amendment builds on the Jeffords amendment, which passed by a 99-7 margin. I was pleased to support that amendment, but in our view it did not provide sufficient protection to State governments and local educators.

The Jeffords amendment provides that States must conduct the new tests so long as the Federal Government provides $400 million for design and implementation costs. The problem is, what happens if the cost is twice that amount, or ten times that amount, as some groups are estimating? Who will pick up the additional costs?

The answer is that our local schools, supported by local tax dollars, will have to pick up the tab for the federally mandated tests. We think that is the wrong policy.

Some have argued that this is an ‘‘antitesting’’ amendment because it links a State’s obligation to conduct the new tests with full Federal funding.

The bill before the Senate already links a State’s obligation to test to Federal funding. Our amendment merely changes the amount of Federal funding required from the arbitrary figure of $400 million to 100 percent of the true cost of testing.

Our schools should not have to forego the purchase of textbooks, or increases in teachers’ salaries, or the renovation of classrooms so that they can put in place the new tests. If the Federal Government is going to impose this new requirement, the Federal Government should provide the resources to do it.

In addition, our amendment covers science tests, which the current bill does not.

And, our amendment requires the Secretary of Education to calculate the total costs of complying with the testing mandate so legislators know whether the Federal Government is meeting its obligation to our local schools.

The Governor of Missouri, Bob Holden, has strongly endorsed the Eliminate Unfunded Mandates amendment. He comments:

I feel strongly that implementing new testing requirements without the adequate funds in place would be a disservice to the children in Missouri and across the nation... If the Federal Government is going to require new testing measures, then the Federal Government should pay 100 percent of all costs.

Governor Holden’s sentiment is echoed in an endorsement letter from the Democratic Governors’ Association, which notes that the Carnahan-Nelson amendment would help “fulfill [a] historic commitment to America’s children.”

Many Senators have extolled the virtues of testing during this debate. Many have spoken in favor of local control over education funds. If you want to ensure that testing will take place and that our local schools can spend their own dollars on their own priorities, then you should vote for the Carnahan-Nelson amendment.

I am pleased that Senator BAUCUS and Senator HOLLINGS support this amendment. I ask that you join me in cosponsoring this amendment, so that they be added as cosponsors.

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

Mrs. CARNAHAN. Mr. President, we must never let any of our children slip through the cracks of the education system. That’s why a yardstick of performance is needed. It’s why rigorous accountability and increased testing have become cornerstones of the education debate. I strongly support testing, which tests reading, as well as in relation to other students on an individual, case-by-case basis as is tested.

Each child is tested at the forefront of using testing to drive education reform. Since 1993, Missouri educators have worked hard to shape a testing structure called the Missouri Assessment Program. These tests measure progress in math, communication arts, science, and social studies as well as a variety of skills. Each of the four core subject areas is tested in three grade levels. In each of these grade levels, every child is tested.

I commend Missouri educators on creating a superb testing instrument.

Each child’s development is gauged on an individual, case-by-case basis as well as in relation to other students across the State.

By contrast, under President Bush’s plan, States would be required to test every child annually in grades 3-8. In Missouri, this would require tremendous cost.

In communication arts, for example—which tests reading, as well as writing ability, punctuation, spelling, and thought organization—Missouri currently tests kids in grades 3, 7, and 11. Under this requirement, the State would have to develop new tests for grades 4, 5, 6, and 8. The Missouri Department of Elementary and Secondary Education estimates that initial development costs would be approximately $3.5 million and ongoing development costs would be an additional $1.2 million per year.

About another $5 million would be required to develop new math tests, and a new science test would be even more expensive. These estimates do not even include the costs of implementing, scoring, and analyzing these tests. In the end, the annual costs for Missouri may exceed $15 million per year.
Mr. CARNAHAN. I am happy to yield the floor for the Senator from Nebraska to make further comments.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise today to ask the Senate’s support for the Carnahan-Nelson amendment. As my colleague has stated, it is a simple, straightforward measure that would require the Federal Government to pay 100 percent of the costs of all new federally mandated tests that would be required by the pending bill.

In any year that the Government fails to provide funding to the States, the States simply would not have to administer the tests, and the funding that could not be sanctioned for falling behind schedule in developing their systems of assessment.

Six years ago, Congress passed, and the President signed, the Unfunded Mandates Reform Act. The bill passed the Senate by a vote of 98-1. This was cause for celebration among the Nation’s Governors. We had been urging Congress for a long time to enact this kind of legislation. I took a great deal of personal satisfaction when the law was signed because as the Governor of Nebraska, I had invested years urging its passage.

As Governor, I testified before committees in both the House and the Senate on the problems that were caused by unfunded mandates. I became interested in curbing unfunded Federal mandates the very first year I sat down to work on my new State budget. As the years went by, I often wondered if I had actually been elected Governor of Nebraska or simply Governor of the Federal Government. I cannot count the number of times that I had to cut my part of the budget, say no to a good project or turn down a group of Nebraskans with good ideas because all my available revenue was tied up complying with yet one more unfunded Federal mandate handed down by Washington.

When the bill passed, I breathed a sigh of relief. In the Senate, too at the time under new leadership—the unfunded Federal mandates bill was designated as S. 1, symbolizing the priority placed on the legislation. Coincidentally, S. 1 is the designation placed on the bill we are currently considering. Senator Frank Lautenberg of New Jersey at that time praised the unfunded mandates bill. One Senator said:

The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates . . . The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

Another Senator said:

This legislation will increase accountability.

There has been a lot of talk about accountability during the current debate on this bill. We are asking teachers, parents, and schools to assume full responsibility for the money the Federal Government will be spending. But where is the accountability from Congress and the White House for the dollars that States are going to have to spend for the testing requirements of this bill?

I commend Senator JEFFORDS for his efforts to provide at least partial funding for the testing that this bill will require, but I do not believe it will be enough.

This bill will require the States to administer 12 different tests for students in grades 3 through 8. It will also require each State to participate in the NAEP test annually in grades 4 and 8, the PIRLS test accounts for 4 more tests. That is a total of 16 tests per year. As we can see from this chart, not all States currently administer tests with that kind of frequency. Fewer than a third of the States administer reading and math tests at all six grade levels each year. Another four States conduct reading and math tests at five of those grade levels, three States at four levels, and nine States at three levels. The remaining 19 States test students annually in reading and math at two or fewer grade levels. If we don’t count in the requirement of Federal participation in NAEP, we are requiring States to develop and administer another 216 tests. If we add in NAEP, we are requiring the States to administer 316 tests per year. You get the idea that the mandate of testing involved in this bill.

As the other Senator from Minnesota explained several days ago, if the goal of these tests is to improve education, then you can’t give cut-rate tests. An inexpensive, off-the-shelf test will not be adequate to tell how well or how poorly our students are doing. Given the stakes involved, States are not going to be able to administer their
testing on the cheap. These tests are going to cost the States a great deal of money, and they should.

In Nebraska, early in my tenure as Governor, we explored the costs of testing students in four core curriculum subjects, and estimated a range that ranged from $305 million for a basic test, and up to $13 million for one that would meet the standards for a good assessment in a single test. That was almost 10 years ago.

Our own experts in Congress, the Congressional Research Service, have said that complete information on the costs associated with student testing is impossible to obtain. The National Governors’ Association estimated that these testing requirements could cost States at least $900 million. The National Association of State Boards of Education has estimated that they could cost between, as my colleague from Missouri said, $2.7 and $7 billion, well above the $400 million provided for in the bill.

The chart behind me shows the estimated cost to each State. No one can for sure say how much this will cost the States, as the Senator from Maine acknowledged yesterday with her amendment. I am willing to wager that the roughly $400 million per year that is in the bill, despite the best efforts of the Senator from Vermont, simply will not be enough.

I understand that the administration has also circulated some numbers that show that the costs might be less than what is contained in the bill. If that is the case, I will be pleased. But if it isn’t the case, I hope the Senate will in fact adopt the amendment Senator CARNANAH and I have proposed.

Our amendment simply requires the Federal Government to pay 100 percent of the cost of all new federally mandated tests. If 100 percent of the cost is less than what is currently in the bill, then we can use the leftovers to hire and train more teachers, which many think might be a good answer to the problem in any event. If 100 percent of the cost is more than the $400 million in the bill, then we have a real dilemma.

As the bill now stands, States will be responsible for every additional penny that these tests cost. As we have seen, potential costs can be very high.

In my State of Nebraska right now, there is not a lot of money available in the State of Missouri, or the State of Florida, or any State, to be sure. There is a shortage of critical needs in the education field in every State. We are facing a teacher shortage in Nebraska that is of crisis proportions. Forty percent of our teachers, more than 8,000 of them, are going to be eligible to retire in the next 10 years. Our State won’t be able to replace the excellent teachers who are retiring if too much of our State’s money is already absorbed in paying the development costs could be anywhere from $25 to $50 per student.

Nebaska won’t be able to meet these critical needs because the extra money simply isn’t there and won’t be there. The only alternative in my State may be to shift the cost to the taxpayers through higher property taxes. I am here to tell my colleagues that this isn’t acceptable.

In talking with some of my colleagues about this amendment, I have heard some additional concerns that I will address. I would like to be clear that neither I nor the Senator from Missouri are concerned about setting high standards for students. I led in the bill, despite some determined opposition, for developing strong educational standards in Nebraska.

Nor do we have any desire to weaken the accountability provisions of this amendment. If anything, I think we may go too far in that. If our schools aren’t preparing every child to succeed in the 21st century, then we are obligated to fix them.

I have no doubt that Nebraska’s teachers, students, and schools can come up with any of those ideas as any State in our Nation. This amendment would only prevent the Federal Government from sanctioning a State for falling behind schedule if it doesn’t receive full funding for the cost of testing.

I have also heard that some Senators are worried about writing a blank Federal check to the States. They are concerned about a race to the top in terms of cost. As the bill is now written, the Senate doesn’t seem to be concerned about writing a blank check on each of the State’s bank accounts without their permission. I see the irony of that, and I hope others do, too. But to address the concerns of my colleagues, we have added provisions that require the Secretary of Education, as my colleague has pointed out, to provide a report every year to both the authorizing and appropriating committees that details the costs of testing. If States are somehow gaming the system, we will know about it the first time it happens, and then we can correct it if it is necessary.

As I said at the beginning of my remarks, this is a simple, straightforward amendment. It requires the Federal Government to pay the full cost of the tests mandated by the bill. Unless we commit to do so, States will have to sacrifice funding for their own identified priorities or be forced to once again shift the cost to taxpayers in the form of higher property taxes.

I opened my remarks with a quote from a Senator who was describing the Unfunded Mandates Reform Act that this body passed 6 years ago. I think it might be worth repeating, as I come to a close. The Senator said:

‘‘The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates . . . . The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.’’

I do not think I could say it better, and I may not have said it better today.

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

The PRESIDING OFFICER (Mr. Nelson of Florida). 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 commend Senator CARNANAH and Senator NELSON for bringing this amendment to the attention of the Senate. What we are focusing on, which is enormously important, is the issue of testing and accountability. Their amendment brings to focus whether we are going to give assistance to the States and local communities to develop good quality tests. We have had a good debate on the issue of quality tests. The Senate has gone on record in a bipartisan way to make sure we are going to have good quality tests. The Senators rightfully raise the question of whether our testing requirements are affordable and how are we going to make sure the States are not going to be in the situation where they will be left holding the bag, so to speak. It is a very important policy issue.

Having said that, I do think we have made some progress on this issue. I know it is not sufficient for Senator CARNANAH and Senator NELSON, but I want to briefly review how we reached the figures that are included in the legislation. We listened to the recommendation of the NASB, the National Association of School Boards. They made the recommendation that the development of these tests were going to amount to anywhere from $25 to $50 per student. NASB said that development costs could be anywhere from $25 to $50. In this legislation, we provide only $20 per student.

What have we done? We accepted the Jeffords amendment that says, unless we are going to have the funding for the testing program at NASB recommended levels, we will not expect the States to have to comply with that program. That is currently included in the Jeffords amendment, and there was very broad support for the Jeffords amendment.

Under the Wellstone amendment, we have also added additional resources of some $200 billion, which would come to $2.8 billion to make sure we are going to get quality. It is a legitimate question of whether we are going to get the appropriations.

The two Senators are making a very important point that if we are going to do this right, we have to get the resources to do it right. There is no guarantee we will get those additional
We want to get it right. We are going in a different direction, and we are going into uncharted waters. We do not want to have the children bear the burden of our mistakes. This is something we needed to address. I hope they feel we are addressing it. I know they prefer to have every flaw fixed. I respect that position, but I hope our colleagues will feel that in the legislation, as we have developed it, we have responded to their concern.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. Frist. Mr. President, I rise to speak in opposition to the underlying amendment and to support and reinforce many of the comments the Senator from Massachusetts made on this particular amendment.

I, too, applaud the authors for this amendment because it is clear that in our goal to leave no child behind, it is going to require more assessments, measurable standards. You have to examine the diagnosis, and to do that, and do it effectively, it is going to require a series of assessments that can be compared year to year in a longitudinal way to track. It can be used to compare whether it is school to school or a school does not work, or State to State. Those tests are going to require something.

The concern of both Senate sponsors of this amendment is that those resources be available because they are the mandates, and they are new mandates. They are mandates that we have in a bipartisan way agree with in assessment, expectation, and accountability of leaving no child behind. That being the case, and that being the goal, the questions are twofold: No. 1, is there adequate funding proposed? And that is the essence of this bill; there is a fear that there is not. No. 2, have we been able to improve the bill, through the amendment process in the underlying bill, to such a degree that such funds are available? We clearly believe so.

The underlying amendment I speak in opposition to, says, “a State shall not be required to conduct any assessments...”—and the provisions are listed after that. I will stop right there. “A State shall not be required to conduct any assessment under paragraph 3...” and I will stop there.

That brings to heart two arguments: No. 1, is testing important, is measurement important, and the new mandates? I believe this amendment is important. In a bipartisan way, we worked aggressively to underscore that these assessments are important and there should be no one left out.

We are at least quadrupling, maybe as much as doubling, the money for quality testing with the guarantee under the Jeffords’ amendment.

No matter how this vote comes out, I give assurance of our strong interest in this. We will continue to work with my two colleagues on this issue because I think it is incredibly important and it reaches the heart of this whole issue of accountability.

The first point I will make is in the development of this approach which puts us squarely in an NASB recommendation at $69, when they have estimated the range goes from $25 to $125—it is right in the middle—and it is at the low end of administrative costs, there is a recognition that there has to be involvement of the State because there is an important additional ingredient in the States interest in making sure the children learn and have productive results.

Therefore, their recommendation underestimates by a considerable amount the amount of State staffing and teachers’ time which would normally be used that the Federal Government does not necessarily require under the administration’s proposal.

I think we are addressing this issue. I commend the Senators because it is an enormously important issue, to make sure we are going to get this right. The last thing we want to do is disappoint a lot of children, an NIEA out these tests are being used as punishment. There are instances currently where they are being used as punishment, rather than seeing what the children do not know and then using those tests to provide supplementary services and changes in the curriculum to help advance the children in education.

I am satisfied we have sufficient protections for the development of these tests to stop by providing in the GAO report that will come in a reasonable period of time, so if we are falling further behind, we will be able to take action.

I have in my hand the current annual spending on tests per student by the 50 States. Under this proposal, it is $69. There is not a single State that is even close to $20 today. There are some States as low as $1.37, $6.65, $17.16, $12, $14, $8.69, $2, $15, $12, $9, $15, $7, $5, and the list goes on. That reflects all 50 States.

We are at least quadrupling, maybe as much as doubling, the funding for quality testing with the guarantee under the Jeffords’ amendment.

No matter how this vote comes out, I give assurance of our strong interest in this. We will continue to work with my two colleagues on this issue because it is incredibly important and it reaches the heart of this whole issue of accountability.
Every State is addressing this issue of funding and the requirement of having assessments in a different way. In my State of Tennessee, we already test students for math and reading in the third grade, the fourth grade, the fifth grade, the sixth grade, the seventh grade, and the eighth grade. At least $50 million will be coming to Tennessee for these assessments. Tennessee will have the flexibility today to use that $50 million. It could be more than that, but we can improve the test and make it longitudinal to compare a student and see how they progress over time. That flexibility is there.

Last, and I will close, I think we all agree on the importance of measurable results and the assessments so we will know how our children are doing. This amendment is unnecessary to my mind. The $2.8 billion added in the amendment process already addresses this issue.

Every State has the opportunity in the amendment to opt out of standards, measurable results, achievement, the high expectations that are the heart and soul of the bill. I urge my colleagues to vote against this amendment when it comes to the floor.

Mrs. CARNAHAN. Mr. President, I suggest to the Senator from Tennessee that he has already announced this was, in fact, a mandate. It is an inadvisable statement summarizing the views I also hope to associate myself with the statement of Senator KENNEDY.

We are ready to yield back our time and go to a vote if the other side is prepared. We yield back our time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. CARNAHAN. Mr. President, I suggest to the Senator from Tennessee that he has already announced this was, in fact, a mandate. It is an inadvisable statement summarizing the views I also hope to associate myself with the statement of Senator KENNEDY.

The amendment is as follows:

(1) The total spent by the Department of Education in 1998 was $96.8 billion. Of that amount, 84 percent of the funds allocated by the Department for elementary and secondary education were allocated to local educational agencies and used for instructional support.

(2) America’s children deserve an educational system that provides them with numerous opportunities to excel.

(3) States and localities spend a significant amount of education tax dollars on bureaucratic red tape by applying for and administering Federal education dollars.

(4) Several States have reported that although they receive less than 10 percent of their education funds from the Federal Government, more than 50 percent of their education paperwork and administration efforts are associated with those Federal funds.

(5) According to the Department of Education, in 1998, 84 percent of the funds allocated by the Department for elementary and secondary education were allocated to local educational agencies and used for instructional and instructional support.

(6) The remaining $50 million will be released from the testing requirement.

(7) The total spent by the Department of Education for elementary and secondary education in 1998 was allocated to States, universities, national programs, and other service areas.

(8) American students are not performing up to their full academic potential, despite significant Federal education initiatives and funding from a variety of Federal agencies.

(9) According to the Digest of Education Statistics, 54 percent of $279,965,657,000 spent on elementary and secondary education during the 1995-96 school year was spent on ‘‘instruction’’.
Mr. SMITH of New Hampshire. Madam President, I rise today to discuss my amendment, which is a sense-of-the-Senate amendment, but it has a very important point to make. It states that not less than 95 percent of all funds that are appropriated for carrying out elementary and secondary education programs administrated by the Department of Education be spent to improve the academic achievement of our children in their classrooms.

As a former teacher, I think I would understand perhaps as well as anyone in this body how important it is to get those funds directly into the classroom where the kids can benefit.

I thank Representative Sam Graves of Missouri for offering a similar amendment. On the House education bill over there which ensures that 95 percent of education money is spent locally.

Congressman Graves’ amendment was passed overwhelmingly in the House. I believe the Senate should go on record supporting local control of Federal education dollars as well.

It might sound like an anomaly—local control of Federal education dollars—but if the Federal education dollars are sent to the State, then give the State the flexibility to spend them. Let the local people make the decisions wherever possible.

The other side of the aisle has been offering up amendment after amendment after amendment calling for more funding for numerous education programs. Many of these amendments have been adopted over the past several days and hours. But if we are going to allocate funds to New Hampshire, then I think we need to make a statement, which I do in my amendment, that it is vital to ensure that the money be spent in the classroom for the children. What is the appropriate way to spend those dollars?

After all, if the Federal Government is going to spend billions of dollars on education, then those dollars should go not to some bureaucracy, not to establish some mechanism to send those dollars into the local schools, but, rather, getting the money directly to the local schools.

I think we all know the cost of getting dollars into the State from the Federal Government—what it costs you to send the money to the local community—is pretty high. In fact, in New Hampshire it is about 47 cents on the dollar, which is not a good return.

As a former New Hampshire teacher and school board chairman, I had the opportunity to see this on both sides, both as a board member and as a teacher—and also as a parent for 26-plus years. I am convinced that decisions regarding education are best executed at the local level and that we should not run our public schools from Washington. We do not need a national school board.

Some will say: With all these Federal dollars, how do you do it? We can provide Federal dollars, if we must, but let’s do it with as few strings as possible to allow the local boards and the local parents to make the decisions, the local communities.

Our public schools—and I say this as a former public school teacher—hold so much promise. I want to make sure the Senate goes on record today that a minimum of 95 cents of every education dollar should go directly to those classrooms.

We need to give 95 cents of every dollar. It is a shame we can’t give 100 percent, a dollar for every dollar, to those teachers and students in New Hampshire and not to some bureaucracy or bureaucracy in Washington, DC.

We need to support education, not regulation, if we are going to spend the money. My amendment simply directs the Department of Education to join our States and local school districts in an all-out effort to direct 95 percent of our Federal education dollars to the place in which it belongs—the classroom. I don’t think that is unreasonable.

It is important to understand that the Department of Education has not been entirely responsible with the billions of dollars in taxpayers’ money we have been giving to them over the years. Some of it has been spent responsibly, but a lot of it has not. Let me give a few examples of some of the waste at the Department of Education.

I hate to bring it up, but it is important to understand that if you just continue to throw good money after bad, you never correct the problem. There were 21 cases where grant checks were issued twice to the same recipients, for a total cost to the taxpayers of American dollars. Now does this mean they are able to recover the money eventually, but how much time and how much cost was involved in recovering the $250 million? That is the point. It should not have happened. We are careless. We can eliminate some of these kinds of mistakes—and maybe some of it is deliberate; I don’t know—by simply stipulating that it is the sense of the Congress and the Senate that 95 cents on every dollar go to the classroom, so when these kinds of things happen, these people know they are going to be held accountable, that we mean business, that the Senate means business, that 95 cents of every dollar is going to go to the classroom, not for this kind of waste.

Some will say that was just a mistake; 21 mistakes is not a big deal. Maybe it was a mistake, but it is a careless mistake. If the bureaucracy can be careless, then they will be a little more careful. What would happen if we hadn’t found the mistake? If we had not had an auditor finding that mistake, it would have cost the taxpayers $250 million.

I say to every American who is listening to me now, think of any school district, yours in particular, wherever you live in America, and think about the classroom, perhaps the one where you work, perhaps the one where your child is. Could you use a little bit of that $250 million in your classroom, if you are a teacher, or your child’s classroom, if you are a parent? I can think of a lot of things I could have done with a few million dollars in my classroom when I was teaching, whether it was more textbooks or the duplication of grant checks.

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of purchases, 141 purchases totaling $1 million.

The point I make here is, the more rein and flexibility you give to the bureaucracy, the more dollars you throw away: without a firm accountability, the money to be wasted. We pass this amendment and we say the Senate has now spoken and has said that 95 cents will go to the classroom, when we hear about such things, people will be concerned about it. They will be more self-conscious. They will be more careful. It is going to be a win-win, a win for the kids in the classroom and a win for the taxpayers.

This year tax freedom day was May 3, 2000, the tax foundation. Tax freedom day is the average day that Americans start working for themselves as opposed to the Government. President Bush’s tax cut package will certainly help in that regard, but it is still what we are facing. From January 1, 2001, to May 11, 2001, Americans work for their respective local and State governments and the Federal Government. That is, from January 1 to May 11, every dollar you earn went to one of those governments. Local, State, Federal. You didn’t earn anything for yourself. You started earning money for yourself on May 12.

I want every American to know that the money spent by the Federal Government should not be wasted, including the Department of Education. If we put this restriction on, we are making a very strong statement that we expect the bureaucracy to be accountable. We don’t want to hear about unapproved credit card purchases or grant checks issued twice to the tune of $250 million. We don’t want to hear about it. We are not going to tolerate it. That is what we are saying if we support this amendment.

If you don’t care, if you don’t want the bureaucracy to be accountable and you couldn’t care less whether we waste $250 million, even though taxpayers may pay their bills, you then should vote against my amendment. I encourage you to vote against my amendment if that is what you believe. If you think it is OK that taxpayers can work until May 11 and not get a dime for themselves and you don’t care about waste, fraud, or any other abuse in the bureaucracy, then vote against my amendment. But if you care about taxpayers saving their hard-earned money and using it to use for themselves and you care about getting money directly to the classroom, to the kids, then you should vote for my amendment.

That is exactly the way the amendment should be evaluated. You are either for kids getting the money and saving taxpayers money, or you are in favor of wasting taxpayer money and do not care whether the kids get the money in the classroom or not. It is pretty simple.

The American people work very hard for that money. The Federal Government should not squander one cent of it. Actually, too many of our tax dollars are spent on bureaucracies at all levels of government, not just the Department of Education. That waste is not going to end tomorrow. We must pledge to do better. We must tell the Department of Education to give the money to the localities. Let them spend it as they see fit. Don’t spend it here in Washington, DC, with some bureaucracy to funnel the money.

Federal education dollars should not be spent directly in the classroom, and we need to shift the focus of our education system back to the students.

This is a great way to do it. It is a simple statement. It is a sense of the Senate that says: We want you to do that. We expect you to do that. If you don’t do it at the Department of Education, then we may just have to come after you. We expect you to save taxpayers money for taxpayers and get the money to the students.

My amendment supports the proposition that the best education is the education left to the local decision-makers and that the best way to be accountable is to eliminate the bureaucracy and the high cost of getting the money to the local community and getting it there quickly and cheaply.

The Heritage Foundation issued a report recently titled “U.S. Department of Education Financing of Elementary and Secondary Education, Where the Money Goes.” It is a very interesting report. It found that as the United States prepares to enter the 21st century, its educational system is in crisis, the public education system. I agree with that. We talk about the crisis in energy and in other matters. There is a very interesting finding in this report. I will just give a brief quote from it:

The vast majority of all Federal education funds does not go to schools or school districts.

Think about that.

The vast majority of all Federal education funds does not go to schools or school districts.

That seems to be a dichotomy if I ever heard one. Why wouldn’t it? Where is it going?

In 1996, 53 percent of the total $100 billion federal government allocated for education was spent by the Department of Education . . . 40 percent of Department of Education funds went to the federal government, 13.1 percent of total federal education spending. Contrary to what many Americans believe, the Department of Education funds very few elementary and secondary education programs in their local communities.

That is an outrageous finding—they are funding very few elementary and secondary education programs. What is the purpose of the Federal Department of Education if it is not going to give money to local communities for elementary and secondary education?

How do we get it to the classroom? What actually makes it to the classroom? What gets to the classroom? Let’s find out.

According to the Heritage Foundation:

Audits around the country have found that as little as 26 percent of school district funds is going spent on classroom expenditures. Classroom expenditures are defined as expenditures for teachers and materials for their students—26 percent.

If that is acceptable to my colleagues, vote against my amendment. Please vote against it because I want to be honest; I want to be straightforward. If my colleagues think it is OK to take a dollar from the taxpayer for education and 26 percent of that dollar goes to the kids and the rest does not, if that is OK with them, then they should vote for my amendment. But if my colleagues really believe we ought to get the money to the kids, then vote for my amendment.

Do my colleagues want to increase the bureaucracy and have a lot of people sitting around making decisions they should not be making and wasting money and having all these findings we just discussed a few moments ago? Then vote against my amendment. If they want to eliminate that and get the money directly to the kids, then they should vote for it.

My amendment makes several findings to support the conclusion that 95 percent of all funds we are going to spend on the Elementary and Secondary Education Act be spent to improve the academic achievement of our children in their classrooms.

My amendment, in finding 4, states that:

Several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their education paperwork and administration efforts are associated with those Federal funds. Fifty percent of the paperwork is associated with the Federal funds. We always hear this talk about we are going to eliminate the bureaucracy, we are going to clear up the paperwork. It never happens. We are going to reinvent Government.

How many times have we heard all these phrases? It is very simple. Just accept this resolution that it is unacceptable for anything less than 95 percent to go to the classroom and then enforce it. When my colleagues see all these bureaucracies popping up, let’s get rid of them and put the money into the classrooms.

We need to make sure that education money is not wasted on paperwork and administrative personnel. There always has to be a commission or a board or a bunch of people crafting bunch of papers to determine this requirement or that requirement, how much money goes here and who has to administer it.
and then another bureaucracy pops up to administer the previous bureaucracy.

Take a look at this. The Department of Education started less than 30 years ago at $2 billion, $3 billion. It is now in the tens of billions of dollars to run it. Unfortunately, only 26 cents on the dollar gets to the kids.

My amendment, finding 11, states: In fiscal year 1998 the paperwork and data reporting requirements of the Department of Education amounted to 40 million so-called—

Only in Government would we hear a phrase such as this—burden hours, which is the equivalent of nearly 20,000 people working 40 hours a week for one full year. Time and energy which would be better spent teaching children in the classroom.

Burden hours, only in Washington. It is like getting on an elevator in Washington. Only in Washington does one get on an elevator to go up to the basement. If you do not believe me, get on the elevator anywhere around here and you find that to be true. Only in Washington, only in Government, do we have these kinds of phrases. It is nonsense. Burden hours, the equivalent of nearly 20,000 people working 40 hours a week for 1 full year.

The Federal Government needs to decrease paperwork requirements and data reporting. We have to stop talking about it and start doing it. Those Federal requirements may make fornice Government reports. There is a report right here. Here is the report on the bill. I am sure every Senator has read this word for word, sitting back in their offices at night. They read it before they go to bed. They get up in the morning and read every word of it. Look at this stuff. There are tens of thousands of pages of background that go into this report.

Here is another one. Here is the bill. That is the report. This is the bill. It is even bigger and larger. Look, page after page after page—more bureaucracy. The Department needs to look at reducing regulations and how Federal money is spent, reducing paperwork.

Madam President, I ask that the Senate go on record that not less than 95 cents of every Federal education dollar go into this report. I further announce that if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Montana (Mr. BURNS) would each vote "yea."

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 487. The clerk will call the roll.

I announce that the Chief of Staff would like to vote to extend learning time within or beyond the school day or year; and to maximize high quality instruction in the core academic

changes at the desk in order to conform to the underlying Jeffords substitute amendment.

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

The amendments (Nos. 791 as further modified, 363 as further modified, and 356), as modified, are as follows:

AMENDMENT NO. 791, AS FURTHER MODIFIED.

On page 7, line 21, 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: "after consultation with the Governor," after "plan.

On page 356, line 6, insert "a plan.

On page 760, line 6, insert "a" after "consultation with the Governor.

On page 707, line 2, insert "a" after "consultation with the Governor.

AMENDMENT NO. 363, AS FURTHER MODIFIED.

On page 71, line 24, strike "and"

On page 72, line 3, strike all after "1116" and insert "and"

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

"(11) Where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools;"

On page 175, between lines 16 and 17, insert the following:

SEC. 120D. SCHOOL YEAR EXTENSION ACTIVITIES.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency may use funds received under this part to—

(A) extend the length of the school year to 210 days;

(2) conduct outreach to and consult with community members, including parents, students, and other stakeholders to develop a plan to extend learning time within or beyond the school day or year;

(3) research, develop, and implement strategies, including changes in curriculum and instruction.

ARING.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—

(1) the activities to be carried out under this section;

(2) any other information-gathering project for which funds will be used;

(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize high quality instruction in the core academic
areas during the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies; "(4) the methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productivity levels of learning groups, as well as the total time students spend in school and in school-related enrichment activities; 

"(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year; 

"(6) who any application to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of any extended school day or school year; 

"(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this section; 

"(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assisted under this section; 

"(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site; 

"(10) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students meet state standards; 

"(11) the methods by which the applicant will assess progress in meeting such goals and objectives; and 

"(12) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws. 

**AMENDMENT NO. 356, AS MODIFIED**

On page 684, line 6, strike "and". On page 684, line 7, strike the period and insert "and". On page 684, between lines 7 and 8, insert the following: 

"(0) activities to promote consumer, economic, and financial literacy and financial education concepts, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing)."

Mr. KENNEDY. Madam President, we are moving along. I am very appreciative of the cooperation we are getting. We now have a very important amendment by Senator WELLSTONE which is one of the most important that we are debating during this debate. We have some good time allocated for a very good discussion. Senator WELLSTONE will open and, obviously, respond to questions. It is our intention, following Senator WELLSTONE, to consider the amendment of the Senator from New York, Mrs. CLINTON, with Senator FEINSTEIN dealing with school construction. And Senator KERRY, my colleague, has two on principals and alternative placements. Those are listed in the list of amendments. I understand there may be amendments from the other side related to those. But we are trying to move this. 

We have, there are amendments related to it, we will deal with them the way we have in the past, but I wanted to at least give our Members an idea about what is coming up this afternoon. We are hopeful to continue to make good progress through the course of the afternoon. 

Mr. GREGG. Madam President, I also believe Senator HUTCHISON has an amendment.

Mr. KENNEDY. I appreciate that. Senator HUTCHISON has a very important amendment. A number of our colleagues have been interested in that subject matter. That has been going on for a number of days. They have been very constructive resolutions. I hope perhaps after Senator CLINTON we may be able to address that amendment. We will be in touch with the Republican leader, and we will give her as much notice as we can, but we will try to see if we can dispose of it after the Clinton amendment.

Mr. REID. Madam President, Senator DASCHLE last night in the closing minutes of the Senate indicated that one of the things he wanted to do was hold the votes as close to 20 minutes as possible. Today we have done fairly well in that regard. The votes have run over. The first one was 25 minutes and this one was 26 or 27 minutes. We are trying to make the 20-minute mark that the majority leader has given us. I say to all the staff listening and Senators who are watching, I hope they understand that this is the only way we can be considerate of others. There shouldn't be hard feelings. This will be applied as we are trying to do everything here on a bipartisan basis.

Mr. KENNEDY. Madam President, I know the Senator will be here momentarily. I will request the absence of a quorum until he is here to present his amendment. 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. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

**AMENDMENT NO. 466 TO AMENDMENT NO. 356**

The PRESIDING OFFICER. Under the previous amendment, Senator from Minnesota, Mr. WELLSTONE, is recognized to call up amendment No. 466, on which there shall be 4 hours to be equally divided and controlled.

Mr. WELLSTONE. Mr. President, I am going to send the amendment to the desk on behalf of myself and Senator DODD, along with Senators DAYTON, FEINGOLD, CLINTON, HOLLINGS, MURRAY, REED, and CORZINE.

The PRESIDING OFFICER. The amendment is currently at the desk. Are you modifying this?

Mr. WELLSTONE. The amendment is at the desk. I am sorry. I ask unanimous consent that the additional Senators be added as cosponsors.

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

The clerk will report the amendment. The assistant legislative clerk reads as follows: 

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. DODD, Mr. DAYTON, Mr. FEINGOLD, Mrs. CLINTON, Mr. HOLLINGS, Mrs. MURRAY, Mr. REED, and Mr. CORZINE, proposes an amendment numbered 466.

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

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

The amendment is as follows: 

(Purpose: To limit the conduct of certain assessments based on the provision of sufficient funding to carry out part A of title I of the Elementary and Secondary Education Act of 1965)

On page 48, between lines 14 and 15, insert the following:

"(iii) no State shall be required to conduct any assessments under this subparagraph in any school year if, by July 1, 2005, the amount appropriated to carry out this part for fiscal year 2005 does not equal or exceed $24,720,000,000;"

Mr. WELLSTONE. Mr. President, this amendment. I think in a lot of ways, is kind of a test case of whether or not we are passing a reform bill. I will have a lot to say about this, and other Senators will as well. I am certainly hoping that colleagues on the other side—whether they are Republicans or Democrats—who disagree will come to this Chamber to express their dissent so that I can know what possible arguments can be made against this amendment.

There are many Senators who have said publicly in this Chamber, and back in their States, and in interviews with the media, that we have to have this testing for the accountability—we can talk more about that later—but that, in addition, we also have to have the resources to make sure that the children, the schools, and the teachers have the tools to do well. 

The testing is supposed to assess the reform. The testing is not supposed to be the reform. I remember at the very beginning, a long time ago, I said: You cannot realize the goal of leaving no child behind or you cannot talk about an education reform program if it is on a tin cup budget; you have to have the resources.

I've heard many Senators say: We ask for the testing for the accountability, but we are also going to invest in these children and make sure there are the resources. That is point 1.
June 7, 2001

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Point 2: Senator DODD and Senator COLLINS came to this Chamber with a very important amendment which authorized a dramatic increase in resources for the title I program. It was a bipartisan amendment. There were, I believe, 79 Senators who voted for this amendment.

This amendment was a Paul Simon amendment. It turns out the Senator from Illinois is in the Senate Chamber. This amendment was an education amendment. Senator DODD and Senator COLLINS said to the best friend I ever had in the Senate that this amendment was an education amendment. It turns out the Senator who made the amendment by Senator DODD and Senator COLLINS. I say to the best friend I ever had in the Senate that this amendment was an education amendment.

I am right about this. The 79 Senators who voted for this amendment believe, 79 Senators who voted for this amendment were, I believe, 79 Senators who voted for this amendment. There were, I believe, 79 Senators who voted for this amendment, who do not have the same resources and benefits as a lot of other children, who come to kindergarten way behind, and we are going to test them and show that they are not doing well, which we already knew they are not going to have the resources to do anything to help them after they don’t do well on the tests. Or even more importantly, we are not going to have the resources to help them to make sure that when we hold them accountable, they have the same opportunity as every other child in America to do well.

I am on fire about this amendment because this is the amendment that holds people accountable for the words they have been speaking. We must not separate the lives we live as legislators from the words we speak. We have been saying that we were going to have the resources, that we were going to get them to the teachers and the schools and the children and that this amendment says. This amendment says: Don’t fool people by just doing an authorization.

This was so important what Senator DODD did, so important what Senator COLLINS did, so important what Senator DODD did, so important what Senator COLLINS did. This amendment says: Don’t fool people by just doing an authorization.

I will quote a recent study by the American Test Publishers, the people who develop standardized tests. They said we are going to test the children all across the country to help these children do better. It can be used for extra reading help. It can be used for prekindergarten, for after-school, for kindergartens, all of which is critically important.

So what this amendment says is that the tests we are authorizing need not be for accountability but they are for resources. I do not know how Senators can vote against this proposal. We said we were for authorizing this money. This amendment is a trigger amendment. It says that we make this commitment to $24.72 billion for title I and this amendment says, if we do not do this, then the new tests need not be implemented.

If the States or school districts want to say we do not want to do this because you have not lived up to your commitment, they do not have to do it.

I look back because sometimes our staff do the best work. So I am looking back at Jill Morningstar to make sure I am right about this.

Now just a little bit about what this really is all about. This is the heart of the debate. Right now, title I is a program for disadvantaged backgrounds. It is the major Federal commitment. We are funding it at a 30 percent level. The title I money is used for extra reading help. It can be used for prekindergarten. It can be used to help kids to do better.

What this amendment is saying is, it does not do a heck of a lot of good to test the children all across the country when we have not done anything to make sure they have the best teachers; that the buildings are inviting; that they come to kindergarten ready to learn; that they get additional help for reading.

The testing is a snapshot. It is one piece of the picture. It does not tell us anything about what happened before or what happens after. What good does it do to have so many children in America right now who are crowded into dilapidated buildings, into huge classes that have been speaking for a year, who do not have the same resources and benefits as a lot of other children, who come to kindergarten way behind, and we are going to test them and show that they are not doing well, which we already knew they are not going to have the resources to do anything to help them after they don’t do well on the tests. Or even more importantly, we are not going to have the resources to help them to make sure that when we hold them accountable, they have the same opportunity as every other child in America to do well.

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I will quote a recent study by the Center for Education Policy. Here is the conclusion:

Policy makers are being irresponsible if they lead the public into thinking that testing and accountability will close the gaps. Policymakers are being irresponsible if they lead the public into thinking that testing and accountability will close the gaps.

They are not. They are jamming a test down the throats of every school in every school district in every State in America—by the way, I am going to ask my conservative friends. I don’t get this. Right now, I haven’t made a final decision, but I lean pretty heavily in the direction that the Federal Government should not do this. I don’t know where the Federal Government gets off telling school districts and schools they have to test every child age 8, age 9, age 10, age 11, age 12, and age 13 during the period of time of the development of the brain, the most critical time. Then they fall further behind.

Testing doesn’t change anything. Testing doesn’t do anything about making sure there is the technology there. Testing doesn’t do anything about whether or not you have 40 or 50 kids crowded into a classroom. But if we were to make a commitment to some title I funding, then we could get some additional help for reading; some additional help for writing; for teachers to have assistance helping them with children, one-on-one help; prekindergarten.

How can Senators possibly vote against this amendment? They can’t. They can’t. They can’t.

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then it should be a national mandate that every child should have the same opportunity to learn and do well in America. That is what this amendment is about.

I ask unanimous consent that a letter from the Democratic Governors' Association be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1.)

Mr. WELLSTONE. They say:

While we are pleased to support the Carnahan Nelson amendment, we are hopeful that any final version of legislation to reauthorize ESEA will apply a funding trigger more broadly, specifically to include title I. This is the main source of federal assistance for disadvantaged students and the federal government needs to back its efforts to strengthen accountability with adequate new investment.

Governors are saying this is part of your major Federal commitment. With all due respect, you have to back accountability with new investment, and I support the idea of this trigger amendment.

They are absolutely right. For some reason, these Governors are a little worried that we are going to mandate all this testing and then not live up to our commitment of resources, for very good reason.

I would like to quote from an article given to me by my good friend from Florida, Senator GRAHAM. This is by a Walter R. Tschinkel. He discusses Florida's system of grading schools. The Presiding Officer is one of the people in the Senate most immersed in education. What does Mr. Tschinkel find is the single most important variable in determining how children do on test scores? Would anybody here be real surprised to hear that it is poverty? He found that for every percent that poverty increases, the school score drops by an average of 1.6 points. He showed that the level of poverty in a school in Florida is one of the predictors of what the school's achievement score would be with 80-percentage accuracy.

May I ask, what are we doing here with this bill that is called BEST?

What are we doing? We are not doing anything to reduce poverty. We have not made any commitment to title I money being there, which is what this amendment calls for. We are not doing anything when it comes to a commitment in prekindergarten and child care.

We are still funding Early Head Start at the 3-percent level and Head Start for 3- and 4-year-olds at the 50-percent level. We are not doing anything about rebuilding crumbling schools. Shame on us.

We are not doing anything about reducing class size. Shame on us.

Now what we are going to do is test these children and show these children in America again how little we care about them.

I have to cool down. It would be better if we had some debate. I want to hear how people justify not providing resources.

I am not surprised by a recent study by the Education Trust Fund which shows the extent of the gap between low-income and high-income districts. There are literally Governors who have children in low-income districts.

The study found that nationally low-poverty school districts spend an average of $1,139 more than high-poverty school districts. In 86 percent of the States, there is a spending gap favoring wealthier students. The widest gap is in New York where the wealthiest districts spend on average $2,794 more per student.

As the Center for Educational Policy concludes:

Policy makers on the State and national levels should be wary of proposals that embrace the rhetoric of closing the gap but do not provide the capacity to accomplish this goal.

That is what this amendment is about. This testing is nothing but the rhetoric of closing the gap. We are not closing the gap because we are not providing the new resources. This amendment says we go on record, we are committed, we are going to say to any State and school district: If we do not live up to our commitment and provide the resources in 2005, which we have gone on record in supporting, then you do not have to do the testing.

This amendment starts to take us in the direction of putting the money where our mouth is. Seventy-nine Senators come together to say that it would be fully funded in 10 years. Seventy-nine Senators should support this amendment.

By the way, I am being pragmatic. I do not even understand why we are not tying the funding now. Why 10 years? What good does it do a 7-year-old to provide funding in 10 years? She will be 17.

Childhood is only once. We should not steal their childhood. In 10 years we are going to do it. How does that help the 7-year-old? We are going to test her when she is 8 and show her—surprise—that she is not doing well, but we may not be helping her for many years later.

I am just starting on this. This is 4 hours of debate now. Next week, there might be 36 hours of debate on another amendment.

Again, we went on record. We said we were for this authorization. This amendment just says let's do it. My colleagues say tests have their place. By the way, I want to also print in the Record—I hope every Senator will read this. I hope every Senator will read this. This is a high stakes testing position on standards set by health care professionals which include people such as Robert Coles, a psychiatrist who has written probably 40 books about children in America. The man has won every award known to human kind; Alvin Poussaint, another talented psychiatrist; Debbie Meyer who has done more good work in inner-city New York City than anybody in the country.

Do my colleagues want to know what they say in the statement? They say two things. One, which ties into this amendment, is that we must make sure we live up to the opportunity-to-learn standard; that every child has the same opportunity to learn.

What I want to point out is they say from a public health point of view: What are you doing to these kids? They are talking about the stress on 8-year-olds taking all these tests, and they point out what is happening to schools. I do not know; there are people who have signed this. They are the best educators, the best child psychologists, award-winning authors, and they say: What in God's name are you doing to these children? That is another amendment about testing next week with Senator HOLLINGS. For right now, at the very minimum, what they are saying is we ought to at least make sure we provide these children with the opportunity to learn.

One hundred percent of major city schools use title I to provide professional development and new technology for students; 97 percent use title I funds to support after-school activities; 90 percent use title I funds to support family literacy and summer school programs; 68 percent use title I funds to support preschool programs.

The Rand Corporation linked some of the largest gains of low- and moderate-income children doing better in education to investment in title I. For example, in some States, the Brainerd Public School system has had a 70- to 80-percent success rate in accelerating students in the bottom 20 percent of their class to the average of their class following 1 year of intensive title I-supported reading programs.

My colleague, Senator HART of Utah, cited important research by the Aspen Institute:

In the effort to raise the achievement of all American students, an extremely serious problem is the huge disparity in resources for education across districts and States. It is not unusual for per student expenditure to be three times greater in affluent districts than poor districts in the same State.

Mr. President, do you know that in my State of Minnesota, in St. Paul, schools where we have less than 65 percent of the students who are eligible for the free or reduced school lunch program, receive no title I money. We have run out. I could not believe it. I heard the Secretary of Education and some of my colleagues saying we have spent all this title I money; we have thrown dollars at the problem.

First of all, we are not funding it but are funding it. In my State of Minnesota, title I represents about one-half of 1 percent of all the education dollars that are spent, but it is key in terms of the Federal Government commitment. I am suggesting that it can make a huge difference.

The problem is, we have had a dramatic expansion in the number of children who need help. The GAO study said that, but a lot of States, such as
The children in the inner city of south Minneapolis or west St. Paul are not doing as well as the children in the affluent suburbs with a huge disparity of resources and a huge disparity of life chances. It is staring us in the face in St. Paul. We have a testing program, but we have not made a commitment to them, and now we are going to club them over the head with tests and humiliate them. I yield the floor and I reserve the remainder of my time.

**EXHIBIT 1**

**DEMOCRATIC GOVERNORS ASSOCIATION, Washington, DC, May 22, 2001.**

Hon. Jean Carnahan,

U.S. Senate

Washington, DC.

Dear Senator Carnahan: On behalf of the nation’s Democratic Governors, I am writing in support of the amendment being offered by Senators Carnahan and Nelson to S. 1, the Better Education for Students and Teachers “Act (BEST) of 2001.” This amendment would ensure that the federal government meets its commitment to states by fully funding the cost of the new Elementary and Secondary Education Act (ESEA) testing requirements.

The amendment would replace the $400 million cap authorized for FY 2002 for developing assessments in the underlying bill, instead requiring the federal government to pay 100% of all state testing costs not currently required under federal law. If the federal government does not meet this commitment, states would be released from the obligation to implement the new testing requirements. The amendment would also require the Secretary of Education to annually calculate the total costs of testing.

In addition, the amendment would add a provision that would prohibit the federal government from sanctioning a state for falling behind schedule in designing and implementing tests if the federal government has not provided the funding.

While we are pleased to support the Carnahan-Nelson amendment, we are hopeful that any legislation passed in the underlying bill, instead of requiring the federal government to pay 100% of all state testing costs not currently required under federal law, the amendment would add a provision that would prohibit the federal government from sanctioning a state for falling behind schedule in designing and implementing tests if the federal government has not provided the funding.

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We would also prefer that final legislation link federal funding accountability to consequences imposed on states and local schools unable to meet proposed annual performance measures, such as fiscal sanctions and school reorganization. Releasing states from the cost of implementing new tests does not alter the mandated levels of improvement in student performance.

Democratic Governors urge Congress to fulfill the historic commitment to America’s children. The BEST Act represents by fully funding authorized levels for IDEA, Title I, and teacher quality, as well as for testing. We believe that the Carnahan-Nelson amendment addresses this issue and we urge that the Senate adopt the amendment.

Sincerely,

Gov. Tom Vilsack

State of Iowa

DGA Vice-Chair of Policy.

Mr. FRIST: How much time is under the agreement on either side?

The PRESIDING OFFICER. There are 2 hours under the control of each side.

Mr. FRIST. Mr. President, I rise in opposition to the Wellstone amend-
they do not feel quite right, perhaps shortness of breath, as a physician and as a nation, it is hard for you to know how to address the symptoms of a problem until a diagnosis is made. We know children are being left behind. It means you make the diagnosis early enough so it might prevent that patient with a whole bunch of potential symptoms being there, not only should we have made the diagnosis earlier, but we need a test that can sufficiently make the diagnosis: Is it mathematics? Is it reading? Is it lack of resources? Is it lack of an ability to use a computer or type on one? Is it keyboarding or spelling? Do they understand the assessment. Then, once, with that patient coming in, I identify the heart, I know how to intervene. I have taken the blood pressure, I find it is high blood pressure, there is something I can do to intervene, and I am not waiting for this patient to die or the disease to progress, that fatigue, maybe a little bit of chest pain. It is going to take bringing true accountability, or reform, or a search for measurable results, the figuring out what the fundamental disease is, and then you do the test and you intervene, that stops the progression of the heart disease and that patient will live longer because of early intervention. It is therapeutic but also it is preventive medicine.

I say there is absolutely no difference with how we should address our education system today—if we look at accountability, we want better results, we want better value, we are failing, today, to say assessments are important, measurable results that can be looked at, that can be used and thrown into our own individual database at a local level in order to decide how to address that specific problem, whether it is the seventh grade girl or whether it is a school we see is failing miserably year after year. We need more resources in and getting more teachers and smaller class size and better books and more technology—that is the only way to get the answer. You start drawing that linkage between dollars. We always hear from the other side of the aisle—this is a good example. I looked at this. I don’t know if it is $24 million or $24 billion or $2 trillion. To me, it doesn’t matter. But it really drives home the point that there is a perception that you can throw money at a problem without making a diagnosis, without figuring out what the fundamental disease is—not the symptoms, we know what the symptoms are—but without figuring out what the disease is you will never have enough money.

Although you can always argue for more money and, boy, I tell you, we have really seen it in this bill. If there is one valid criticism of this bill it is, frankly, that it is wasteful. It is just money comes down here, we come down to vote on, every amendment coming from the other side requires more money. It is more money for programs, more money for technology, more money for teachers, more money for programs, more money in the report. Reform is a scary word. Reform means change to some people. But we have to recognize when you say improve accountability, or reform, or measurable results—all of that basically says we have to change what we are doing, figure out what is wrong, and fix it. And you cannot just say throw money at the problem. You have to have the reform. That is where the assessment, accountability, measurable results, the figuring out what the problem is, is so critical. It is fundamental.

So to be honest with you, I am not surprised but, as I said earlier, I thought we had gotten beyond the fact that you have to have strong accountability in order to know how to improve a situation that we all know is miserable. It is miserable. Today we are not addressing each child. Today we are leaving people behind. It is going to take doing something different. It is going to take bringing true reform to the table and that is why the assessment comes in.

We cannot argue with what is underlying this amendment, that you don’t
do the test because somebody has the symptoms. I argue you have to do the test. That is first and foremost in order to figure out what the disease is, to treat it, to get the best value for the dollar that we put in, that we make available. When we hear the rhetoric on the floor of playing politics with children’s lives, they have to be very careful, again, because the debate is so much further along than where it was 6 months ago, I think in large part because of President Bush and his leadership, and his leadership focused on that willingness to do. But let’s not just put more money in and then do away with tests, which in essence is what this amendment does.

The latest results of the National Assessment of Educational Progress have shown—they show it again and again—that money is not the answer and that new programs are not the answer.

One of the great benefits and advantages and, I think, very good parts of this bill is that it has an element of consolidation and streamlining to reduce the regulatory burden, the inefficiencies, and the sort of deadweight of having hundreds and hundreds of programs out there—that there is an element of consolidation in the underlying bill.

We have heard it on the floor again and again. We spent $150 billion on literally hundreds of Federal elementary and secondary education programs over the last 35 years. In terms of progress and secondary education programs over the last 5 years, Federal education has increased by 180 percent. State education has increased dramatically. Total national spending has increased by about 30 percent and local education, spending has increased dramatically. Total national spending on elementary and secondary education has increased by about 30 percent over the last 10 years. Federal spending on secondary and elementary education has increased by 180 percent. Federal spending is only 6 percent of the overall pie. The Federal role has increased by 180 percent over the last decade. Over the past 5 years, Federal funding for elementary and secondary programs has increased by 52 percent.

Yet in spite of all of those increases—people can say that is not near enough, or maybe some people would say that is way too much—over time, test scores have been national. The achievement gap between the served and the underserved got wider. However, you want to measure it—it has gotten greater in spite of this increased spending.

Let’s not use that language of playing politics with children, but get reform and improvement in the system by putting additional resources in as we go forward, which this President and this Congress clearly have shown a willingness to do. But let’s not just put more money in and then do away with tests, which in essence is what this amendment does.

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I, for one, believe we are going to have to inject—I agree with the President of the United States, we are in the short term going to have to put more into public education K-12 than we have at any time in the past. I am confident we will do that. The President has said that. This Congress has said it.

The authorization levels the Senator from Minnesota talked about have gone sky high, and it looks as if next week they will go higher and higher. There is no way. There is not enough money around to be able to fulfill the pledges that are being made. That is what an authorization is. But when it comes back to the appropriation process that works pretty well in this body, I am confident that under the leadership of this President and the commitment that has been made, we will put more into education than has been put in in the past.

Again, the debate, I am sure, will go on for several hours. It is a good amendment to have a debate on because it does link the importance of accountability with money. It focuses, I believe, on the fact that, yes, it is going to take some more money, but I do not want to have this element of going to take some more money, but I am confident we will do that. The President has said that. This is an amendment to have a debate on for several hours. It is a good body, I am confident that under the process that works pretty well in this body, it comes back to the appropriation process that works pretty well in this body, I am confident that under the leadership of this President and the commitment that has been made, we will put more into education than has been put in in the past.

Mr. WELLSTONE. Mr. President, I thank my colleague from Tennessee. My colleague is a very gifted doctor, and everybody gives him all the credit, of which he richly deserves, but this is not trying to find out if a child has a heart problem. I think we are going to rue the day we did this.

First of all, the Senator from Tennessee talks about the importance of accountability. I was an educator, a college teacher for 20 years. I do not give any ground on accountability. The point is not to confuse accountability, testing, and standardized tests as being one in the same thing.

We have the amendments that have been adopted which I think will at least make the testing, and hopefully the assessment, accurate and done in a better way.

This amendment does not say that you do not do the testing. I may have an amendment next week that goes right to the heart of that question with Senator HOLLINGS, and others, but that is not what this amendment is about.

Everybody in this Chamber has been saying they are for accountability and that we have to be willing to get the resources to the kids. We have to do both. You can’t do this on a tin-cup budget. We have to walk our talk. Seventy-nine Senators voted for this authorization. But that is a fiction. It does not mean anything in terms of real dollars.

This amendment says that with the accountability comes the resources. We made a commitment that unless we live up to what we said we would do by way of title I money for our school districts and our children, then those school districts and States do not have to do the testing. That is all it says.

That is my first point. So the argument that somehow this amendment that declares null and void testing is just not accurate. I am just trying to get us to live up to our words.

The second point I want to make is that my colleague said—and I have to smile— somehow this is all about decentralization, whereas Democrats tend to look to the Federal Government. I have to tell you one more time, I do not know where the conservatives are, or whether the whole political system has turned upside down, but I seem to find myself being a Senator who—I have not resolved this question, but at the moment I do not think it is appropriate that the Federal Government mandate, tell, insist, require that every student is going to be tested in America test every child every year.

This is radical. It is amazing to me. I am surprised others have not raised this question. Human rights, civil rights, antidiscrimination, yes, but this? I think we are going to rue the day we did this.

There is a rebellion right now in the country that is developing. People are going to say: You voted to make us do this? Where did you get off thinking you were the ones who had the authority to do that? I think this is a real Federal reach.

My third point is, this is a real disagreement we have with my colleague from Tennessee. My colleague is a very gifted doctor, and everybody gives him full credit, of which he richly deserves, but this is not trying to find out if a child has a heart problem.

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

Mr. WELLSTONE. I will be pleased to yield for a question. But with all due respect, we already know—I have been in a school every 2 weeks for the last 10 1/2 years. We know what is not working and what needs to be done. It is absolutely not the case.

We know that children, when they come to kindergarten, are way behind. We know children who have had no pre-kindergarten education. We know of the dilapidated buildings, the overcrowded classrooms. We know of kids having three or four teachers in 1 year. We know of kids who are taught by teachers who aren’t certified. We know kids go without afterschool care. We know of the disparity of resources from one school district to another. We are all aware that affluent children have going for them versus what the poor children have going for them. We know all that. We know we fund Early Head Start at 2 percent, 3 percent. And we fund Head Start at only 50 percent for 4-year-olds. We know we fund affordable child care for low-income children where only 10 percent can participate. We know all that.

Why do we need to know? Why do we need the test? I ask my colleague from Tennessee, what I just said, are these not realities? Is there one thing that I have said that is not a fact, that is not empirical, that is not a reality in the lives of children in America? If you can answer that, then you just said that is not accurate, then you can argue against this amendment. If you cannot, then you cannot. This amendment does not say no to testing. It just says with the testing and accountability come resources.

Mr. FRIST. Mr. President, will the Senator yield for a very brief question?

Mr. WELLSTONE. I am pleased to yield.

Mr. FRIST. Mr. President, the question I want to address to my colleague from Minnesota has to do with the testing. I think it is worth talking about because I have done the very best I could to make the case that for the individual child it is important to see the diagnosis, to see the diagnosis, to test the child at the time. It is not going to do it.

The question I would like the Senator to respond to is, having children assessed from the third to the eighth grade, what is wrong with that? I will tell you. What is wrong with that is my side of the argument, which I tried to make. But what is wrong with it? Why will we rue the day that we give the opportunity for a third grader or a fifth grader or a seventh grader the opportunity to figure out why they are not being served well? Why do you object to having third, fourth, fifth, sixth, or seventh graders assessed?

Mr. WELLSTONE. I thank my colleague for the question because then I think Senators can have a clear picture of the amendment on which we are going to vote.

This amendment does not say it is wrong to do that. This amendment does not say it is wrong to do the testing. This amendment does not say it is wrong to do the testing every year. This amendment says, if you are going to have a Federal mandate that every child is going to be tested every year, you better also have a Federal mandate that every child is going to have the same opportunity to get the resources.

One of the major commitments we have not made is the title I money. That is why the Governors in their letter said we favor this trigger amendment. We want to make sure that they also, with the testing get the resources. That is all this amendment says.

Mr. FRIST. Mr. President, will the Senator yield for another brief question?

Mr. WELLSTONE. I am pleased to yield.

Mr. FRIST. First, the Senator from Minnesota just said he thinks we will rue the day we decided to assess the
students. My assumption was that he feels all students should not be tested, that we already know what the problem is. I thought that was what he said. And I asked him was he against the assessment because there was not enough money going for it, but that he agreed are the right way to go? If so, that is very important. I do not believe that is what he implied in his earlier comments.

Mr. WELLSTONE. I say to my colleague fairly enough. I will say to my colleague publicly, I have a couple different views.

First, the amendment. First, let’s be clear about the amendment. The amendment, you will be pleased to know, does not say no to testing at all—not at all. It simply says we ought to live up to our commitment on the resources. That is all. That is all it says. That is it. If we do not, it says to States: Look, if you do not want to do it, you do not have to. That is the amendment.

Above and beyond that, I will say two other things to my colleague from Tennessee, who I know has shown a very strong interest in education over the years. In our State—I am sure it is the case that we are doing the testing. In fact, by the way, by what we passed for title I several years ago, we are just starting to get the results of that testing, for which I voted. We are doing the testing. The only thing I am telling you is there is a difference between our school districts and our States deciding they want to do it because it is the right thing to do and the Federal Government telling them they have to do it. I just think it is an important distinction. I do not know where I come down on that final question yet. I just think it raises an important philosophical question.

Then the second point I make is that there is also a distinction between what we did several years ago with title I, which is a Federal program, saying we also want to see the testing and the accountability versus telling every school district in Tennessee and every school district in Minnesota you will test every child every year—not every other year—but every year. That is sweeping.

My amendment is not about that question. I just raised that question. I haven’t resolved that question. I will tell you where I have resolved, which is what this amendment is about. The worst thing we can do is to pretend we don’t know what the problems are and not make the commitment with both the IDEA program and title I, which are two of our major programs, making sure that we basically set everybody up for failure. That is the worst thing we can do.

If you want to argue that money is not a sufficient condition, I agree. I think it is a necessary addition. We can go through the Rand Corporation assessment of title I and other assessments of title I programs. I can talk about Minnesota. You can talk about Tennessee. A lot of these resources are key to prekindergarten, key to extra reading help, key to afterschool programs. This is really important. That is all this amendment says.

Did I answer my colleague’s question?

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Tennessee.

Mr. FRIST. Madam President, I would like to ask the Senator to clarify. The amendment is set up such that if $24 billion is not appropriated—for people not in the Senate, that is where much of the action really is, and I agree with the Senator in terms of the importance of appropriations and authorization—this President has basically said he is going to put more money into education than any other President has in the past. I think that is important.

But from the assessment end, the ransom for the assessments is that if $24 billion is not appropriated, the amendment cuts the heart out of the education reform bill, which means we will not be made to do assessments whether that seventh grade girl has learned how to read.

I am asking, if it is really just the money, why is he linking it to the heart and soul of the bill?

Mr. WELLSTONE. We have a letter from the Democratic Governors that says:

[Above and beyond] the Carnahan/Nelson amendment, we are hopeful the final version of the legislation that the IDEA will apply a funding trigger more broadly, specifically to include title I. This is the main source of federal assistance for disadvantaged students, and the Federal Government needs to back its efforts to strengthen accountability with adequate new investment.

The reason they are tied together is that they go together, for God’s sake. You cannot tell the teacher without also making sure these children have an opportunity to do well on the tests. Of course, they go together. This amendment simply says that the tests authorized must be implemented until after the title I appropriation has reached the level we said.

We said, 79 of us, we are going to appropriate this money; we are going to make sure that with the accountability comes the resources for the kids to do well. We went on record.

Now I have this amendment that says make the commitment to Minnesota, Michigan, Tennessee, and everywhere else, if we don’t live up to our end of the bargain and you decide you don’t want to do the test, you don’t have to. By the way, many States are doing it. It is up to them.

I am becoming a decentralist. I am becoming a conservative Republican in this debate, apparently.

Mr. FRIST. My great fear is, if this amendment passes, let’s say we put $22 billion in, you have destroyed the accountability, the heart and soul of this bill to give that seventh grader the opportunity to have the diagnosis made of why she is failing.

I don’t understand the relationship. Why would you punish the child and eliminate the opportunity to diagnose her problems based on funding? Again, why would one hold this ransom for, again, huge amounts of money, if you are trying to bring down the whole bill? Maybe I will, and it won’t be successful. I am still trying to actually improve the bill, just as we did on testing. I say to my colleague, we already have accountability with title I. That is law right now that is on going.

My second point is, this is an honest difference. My colleague’s concern is that we won’t have a test, that somehow that will be nixed. My concern is that if we just do the tests and make every school, every school district, every child take the test every year, 8, 9, 10, 11, 12, and 13, but we do not live up to our end of the bargain of providing the resources so that the children do well on the tests extra help for reading, prekindergarten, after school—then the only thing we have done is we have set them up for failure. I don’t want to do that. I think that is cruel.

I cite again the study from Senator GRAHAM which showed that poverty predicts 80 percent of the students’ scores right now. I am not surprised. I have been to school every 2 weeks for the last 10%’s, I know that. So far, I haven’t heard any compelling reasons against this.

For Democrats, our party, we have been out publicly saying that we are committed to the resources that go with the testing. It is time to walk the talk.

I know there are going to be some other Senators who will speak. I want to go on to another aspect of this. I have spent some time on this, but this is a little different. I want to talk about title I. Why testing actually can do more harm than good if we don’t give the schools the resources to do better. I have not made that argument yet.

I will start out quoting the Committee for Economic Development, which is a strong protesting coalition of business leaders who warn against test-based accountability systems that lead to narrow test-based coaching rewards than rich instruction. I will tell you what happens. We don’t give the schools the resources. In this particular case, I am talking about title I. That is a real commitment on our part. They are going and you are going to do the tests, we are not going to determine consequences for those schools, whether they are sanctioned, whether principals are removed.

And then you know what happens when they don’t have the resources and this is what you do? It leads, I say as a teacher—I am not a doctor; my colleague is a doctor—it leads to the
worst kind of education. Do you know what they are going to do? It is what they are doing right now. You drop social studies. You drop poetry. You don’t take the kids to the art museum. And you have drilled education where the teachers are teaching to the tests because they are under such duress. That is exactly what happens.

For example, in Washington State, a recent analysis by the Rand Corporation showed that fourth grade teachers shifted significant time away from arts, science, health and fitness, social studies, communication and listening skills because they were not measured by the test.

I do not know if I am making the case the way I want to make the case, but the schools that are going to be under duress are the ones where the children have not had the same opportunity to learn. They came to kindergarten way behind, and we are not making a commitment to early childhood.

Now what happens is because of this—and I see my colleague from New Jersey, and I will finish in 3 minutes so he can speak; I thank him for being here—now because of this duress, what we have in these schools are the naming social studies, art, trips to museums because they are not tested and the teachers are being asked to be drill instructors.

Guess what. Some beautiful, talented teachers are leaving teaching today because of this. This is crazy. We better give them the resources.

I say to my colleague from New Jersey, this is a classic example. The Stevens Elementary School in Houston pays as much as $10,000 a year to hire Stanley Kaplan to teach teachers how to teach kids to take tests. According to the San Jose Mercury, schools in East Palo Alto, which is one of the poorest districts in California, paid Stanley Kaplan $10,000 each to test the teachers with test-taking strategies.

According to the same articles, schools across California are spending thousands to buy computer programs, hire consultants, and purchase workbooks and materials. They are redesigning spelling tests and math tests all to enable students to be better test takers.

Forget sense of irony. Forget childhood. Forget 8-year-olds experiencing all the unnamed magic of the world before them. Forget teaching that fires the imagination of children. Drill education to taking tests: it is educationally deadening. That is another reason why without the resources this is not a big step forward. This is a huge leap backwards.

Madam President, I yield the floor and reserve the remainder of my time. My colleague may want to respond.

Mr. FRIST. If I can take 2 or 3 minutes, Madam President, as I spoke out earlier, this amendment is the heart of what President Bush put on the table: strong accountability to ensure that we do not leave any child behind.

If this amendment is adopted, we are in a significant way putting at risk the entire bill because accountability is the heart and soul of the bill. This is where the real progress will be made; that is, making the diagnosis so we know how to invest education dollars and resources. This is the spirit of reform.

All of it depends on knowing where students are and being able to follow their progress over time so we can intervene at an appropriate time.

It is interesting. We talk about dollars. We will be talking about assessments and dollars, and in the amendment they are linked together. I do not think some sort of ransom should be placed over this bill. We have the appropriations process that is going to deal with the reforms we put into place.

If we go back to 1994, the Democrats passed a law which required States to develop broad comprehensive reforms in content, curriculum, and performance standards. To align those reforms with all of the new assessments, much more would need to be added to the bill we are debating.

Immediately after passage of that law, the President’s request in 1994 for discretionary education funding included a $484 million spending cut. The Democratic President’s request to cut spending by 11 percent is modest. I favor what is in the bill now. I think some sort of intervention should be placed over this bill. We have the appropriations process that is going to deal with the reforms we put into place.

Mr. WELLSTONE. Madam President, as I spelled out earlier, this amendment is the heart of the bill. If the amendment is passed, the testing might not take place as is much as saying, therefore, we are not going to live up to our word. If my colleagues vote for this amendment, the testing will take place because I assume we are going to live up to our word. Seventy-nine of us already voted for this.

All this amendment says is we are going to be clear to States and school districts that we are going to live up to our commitment of resources. That is the first point.

The second point—my colleague from Tennessee—let’s say this is more modest than in 1994, my God, we are telling every school district in every State they have to test every child, every year, ages 8, 9, 10, 11, 12, 13. That is not modest in scope.

The very minimum, transitioning to the Senator from New Jersey, what I am saying is, if we are going to have a national mandate of every child being tested, then we ought to have a national mandate of every opportunity for every child to do well. I reserve the remainder of my time.

Mr. CORZINE. Madam President, I could not agree more with my distinguished Senate colleague and friend from Minnesota. I rise in support of his amendment which ensures we not only test our kids, but we actually provide promised resources we have talked about over and over in this body to improve educational quality. He believes and I believe, and I think common sense argues, that unfunded mandates that are put upon our local school districts only aggravate disparities we already have about how our children are educated. We ought to make sure we start putting money where we are putting mandates on our communities.

Before I discuss the amendment, let me thank Senator WELLSTONE for his leadership on a whole host of these educational matters. It is terrific how he has spoken out about leaving no child behind. I am very grateful for his dedication to high quality education for all of our kids, and I am sure the country benefits.

I agree we need to build more accountability into the system. Students, teachers, and administrators need to be held accountable for results. I come from the business world. We look at bottom lines. We ought to get to stronger and stronger results. Congress should be held accountable, too, and that is the purpose of this amendment.

Accountability means focused on our kids, schools, teachers, and administrators just do not seem enough to assure that our children get an adequate education.
As the Senator from Minnesota has spoken about several times today, 79 Senators supported an amendment to increase the authorization for the title I provisions in this bill to move that up to $24 billion-plus in the year 2005. Seventy-nine Senators voted in support of that. What we are saying is that if we have an obligation to millions of children who live in disadvantaged areas that those promises of better schools and greater opportunities would be real. We need to make sure that was not an empty promise, political rhetoric, or cynical posturing.

We have been underfunding the title I program for years. Never in the entire history of the program, which began in 1965, has Congress fully funded the program. Then we hear we are not getting the results we are supposed to be getting when we do not put the resources that actually deliver the goods on preschool or afterschool programs or reading programs and the other issues about which are talking. We complain but we do not put the resources there to make sure we can deliver in those places where they don’t have the resources to provide the educational opportunities other places in the country have.

We have seen the educational dollar that the Federal Government provides for education shrink from 12 cents to 7 cents, with some talk about 6 cents. We shrink that and we wonder why we get disparate results.

Title I is a critical program if we are to ensure all children in our society are provided with meaningful educational and economic opportunity. Title I is the engine of change for low-income school districts across this country. The program is used to train teachers, to provide new technology for students, to support literacy and afterschool programs, and to promote preschool programs, a whole host of items that will make it possible and to make sure every child has a comparable education from one community to the next.

Together, these initiatives have proven effective where they have been applied, raising test scores and improving educational achievement. But we have to have the resources. It has been underfunded for far too long and too many kids have been left behind. The engine of reform needs fuel.

Let me be clear. I support testing. I think the idea, if I am not sure what much of what we are putting in place is a good idea, but I support testing. By itself, testing is not enough. I am sure it gets our priorities right. What good does it do to test kids if we do not provide the tools needed to respond to bad test results and, more importantly, even prepare for the tests. It would be similar to diagnosing an illness and refusing to prescribe the drugs needed to cure it. That does not make sense.

This amendment stands simply for truth in legislation. It is easy for Congress to authorize funding for programs. It makes political campaigning a lot easier to go out and say: I stood in there and I stood for authorizing title I funds for all our kids. Many people in the country hear we have done that and they think we have fully funded it. As my colleagues know, an authorization is little more than a promise, and all too often it is an empty promise.

In my view, when it comes to providing quality education for all of our children, we need to make sure the promise is real. We need to put the money where the authorizing words are needed to provide our schools with the resources to help students achieve their full potential. We must address the glaring disparity in resources that undermines America’s sense of fairness and equal opportunity. We want to hold every child to high standards. We must provide every child with the opportunity to meet them. We have to hold ourselves to high standards.

I urge my colleagues to support the amendment that Senator DODD worked on with Senator COLLINS. The Senate went on record—79 Senators—saying we would make this commitment to title I and over a 10-year period we would have funding.

I don’t think the Senator would disagree, as much as I was for it, in some ways I very much regret we could not have said full funding in 1 year. For a 7-year-old, 10 years is too late.

In any case, this amendment says by 2005 the Senate went on record saying we ought to be spending $25 billion on title I because that puts us on track for the 21st Century, securing the promise of a full education for every child.

This amendment says, if we do not live up to our commitment, the States and school districts, if they do not want to do the testing, do not have to. It is up to them. No one is telling them they can’t do it, but it is entirely up to them. We have been saying over and over again, with accountability comes the resources to support it. It can be prekindergarten; it can be technology; it can be more professional training for teachers; it can be afterschool programs.

This amendment says, if we do not live up to our commitment, the States and school districts, if they do not want to do the testing, do not have to. It is up to them. No one is telling them they can’t do it, but it is entirely up to them. We have been saying over and over again, with accountability comes the resources to support it. It can be prekindergarten; it can be technology; it can be more professional training for teachers; it can be afterschool programs.

My other point is, if we are going to have a mandate of every child being tested, we better also have a national mandate of every child having the same opportunity to do well. Since the title I program is one of the major ways we at the Federal level make a commitment to low-income, disadvantaged children, we ought to live up to our word. That is what this amendment says.

I yield the floor.

Mr. DODD. I thank my good friend and colleague from Minnesota and express my appreciation to him for raising this amendment. This is not a unique approach. We have taken on matters where we linked financing with obligations. One of the constant complaints we receive as Members when we return home to our respective States and Territories, and Governors, our local legislators, we often hear, regardless of the jurisdiction—Minnesota, Connecticut, Michigan, New Hampshire, Massachusetts—you folks in Washington like to tell us what you think we ought to do. We rarely come up with the resources to help us do what you tell us we have to do.

We have gone through an extensive debate as part of this discussion on special education. We made a commitment as the Federal Government years ago that said every child ought to have the opportunity for a full education, as much as they are capable of achieving, and that special education students would be a part.

We promised we would meet 40 percent of the cost of a Federal requirement. That commitment was made 25 years ago. It took 25 years, until just recently, as a result of the efforts of the Senator from Massachusetts, the Senator from Vermont, Mr. Jeffords, Senator Collins, my colleague from Minnesota, and many others, who said we were going to have to meet that obligation, financially supporting the special education needs of the country. As a result of their efforts, we have included in this bill a mandatory spending requirement to meet those obligations.

I raised the issue about 12 years ago in the Budget Committee and lost on a tie vote.

Why do I bring that up and discuss it in the context of this amendment? If we fail to adopt this amendment that the Senator from Minnesota has suggested, in 5, 10, 15 years, we will have a similar demand made by the very people asking us today to fulfill the financial obligations that we owe as a result of mandating special education needs. People may not like that comparison, but that is a fact. We are saying to these students, across the country, disregard States and in a sense localities, here are some standards we expect you to meet. We are willing to authorize, as we did by a vote of 79-21, some substantial sums of money to allow for full funding of title I as a result of the heroic efforts of my friend and colleague from Maine, Senator Collins, along with 78 others in this Chamber. We went on record, with a rather overwhelming vote. This was not a 51-49 vote. Almost 80 Members of the body said full funding of title I is something we ought to do.

If this bill is going to work, we ought to fully fund this program. We said over 10 years.

I would have preferred if it was a more brief period of time, but we have to accept the realities. I think it is important to note that it occurred. It is a
true expression of the desire of Members here, regardless of party or ideology. As a result of the demands we will make in this legislation, we are fully prepared to do something that kids on the corner often say to each other: Put your money where your mouth is.

We have had a pretty good mouth when it comes to telling the country what they ought to do. The question is whether or not we will put the money up to back up and support the demands we are making here, regardless of party or ideology. We cannot very well demand a third grader be responsible or fourth grader or fifth grader or some impoverished rural district or urban district—as we demand accountability from a superintendent of schools, a principal—a teacher—and then we duck our responsibility here.

There is a long and painful history where demands have been made by this government on our localities and our States and then we have failed to back up those demands by failing to provide the resources to accomplish them.

This is about as critical an area as can be, education. I do not want to see us coming out of this with a self-fulfilling prophecy of failure. I don’t want us to start demanding these things and then we fail to provide the resources to accomplish them.

As we begin this testing process, year in and year out, as we watch the scores not improving because the title I funds are not there—and by the way they work. Title I funds work as we know based on all sorts of examinations and studies that have been done. That is why it seems to me we want to have funding.

My colleagues and I were at recent meetings at the White House. I don’t believe we should go into the details of those meetings. The President was gracious enough to invite us to those. He cares about education a lot. I have no doubt that President Bush cares about it. He made that point when he was Governor. He provided evidence of it. He has spoken out about it numerous times and gone to schools all across the country to talk to the fact that a couple of different political parties or persuasions is not the point, obviously. I am willing to believe that his slogan that he used a lot during the campaign of “leave no child behind” is sincerely and deeply felt.

All I am suggesting, as are the Senator from Minnesota and others who support this, is to see those achievements. I believe this President wants to see these kids do better. That is what we all want.

We spend less than 2 percent of the entire Federal budget on elementary and secondary education—less than 2 percent. I think that would probably come as a shock to most Americans who send their tax dollars to Washington to discover that less than 2 cents on every dollar the Federal Government spends actually goes to elementary and secondary education. I am excluding higher education.

We have all heard the speeches given around the country of how important this is, that any nation that ever expects to have an educational system that creates the opportunities for its people. So this is about as important an issue as there is. When you talk about economic growth, economic stability, education is about as important an issue as you can discuss. If we fail to have an educated generation, all the rhetoric, all the decisions by the Federal Reserve Board, all the decisions by the Treasury, all the decisions made by Wall Street, will have a very small effect. These tests are not the issue. What we are saying is, if that is the case, then should we not link this issue of providing the resources necessary to the title I program, which has proved to be so successful, and to say that before we start defending these tests and so forth we are going to see to it that these young people, and these communities, are going to have the resources to get the job done? That, it seems to me, is only fair and right. If the resources are there, does anyone doubt, can anyone stand up and say if the resources are not there, that these children, the most needy in the country—in rural and urban America, most of them—are going to be able to do better on these tests?

If you do not have the resources to make these environments better, there is no doubt about the outcomes. You are not going to hire the teachers who are qualified. You are not going to have the tools necessary. That is just a fact.

There is more empirical evidence to support that statement than anything I know. When I am told it will not work if we do not have the tools. No matter how strong the desire, no matter how ambitious these parents or these children may be, they have to have the tools. You cannot be in a classroom with 40 kids and learn. A teacher cannot teach.

You cannot get ready for the 21st century economy without a wired school and the ability to access the technology available. You cannot have teachers who know nothing about the subject matter teaching math, science or reading. They cannot do it. Don’t expect a child anywhere to learn under those circumstances.

The fact is, in more schools around the country, those are the realities. I wish I could magically wave a wand and automatically guarantee that there will be these tools available. But none of us possess that kind of power. You have to have the resources to do it.

So to go out and test a bunch of kids who have not had the support and backing necessary for them to be accurately tested has structured a very cruel arrangement for this Congress and this administration to impose. It is going to produce predictable results. So I think the Senator from Minnesota and I have to ask any mayor, any Governor, any school board or principal or superintendent would ask us. I think what they are saying to us—my colleague from Minnesota can correct me—they are saying: Look, we accept the challenge you imposed, we know my Minnesota and I have heard from a number of people who have questioned the wisdom of this annual testing idea as a way of somehow proving whether or not kids are doing better. I get very uneasy about what teachers are going to be teaching. It is what I call turning our schools into test prep centers where you spend half the year or more of it getting the kids ready to do well on the tests because the teachers, the principal, the superintendent, the principal, the Governor—everybody wants to look good and pass the test. I don’t know whether you learn anything or not, but you pass the test. I get nervous about an educational system that is more geared to preparing some test more of the “political” people can have bright stars attached to their names.

I think testing is valuable, but your educational system is geared toward those testing requirements rather than educating children. I certainly think math and reading are very important—but I also think science is important, I think history is important. I think geography is important. I think languages are important. My fear is in some ways we are going to get so focused on a couple of disciplines which are critical—very critical, essential, Madam President—but at the expense of a lot of other areas which are also critical for the full and proper development of a child’s educational needs.

You do not have to be an educational genius to know what can happen if you are just geared to getting the class to pass the Federal test in order to keep the school open. I am very worried about that.

But I will put that aside. I will put my worries aside for a minute. I am not the only one worried. This is not just Democrats and Republicans who
are worried. I think parents out there who may not know all the nuances of this bill are worried. People who work hard in school every day will tell you they know what they are going to end up doing. But we will put that aside for a second.

At the very least, if we are going to demand this in tests, it seems we have to have the kid prepared, at least give them a chance to do well.

If the resources are not there for them to do well, then I think we all know what the results are going to be. That is really what this amendment is all about. Maybe it is more complicated than that. But I don’t think it is.

Take the environment, or transportation, or any subject you want. No one would suggest that you can anticipate high performance without the resources being there to help you achieve it. Yet in the education field we seem to be indulging in a fiction that somehow, if we just mandate the test, hold back the resources, and expect the students to reach it, I don’t know where else you could ever imagine that kind of result to occur.

We don’t want to be anticipating 30 million children across America if the bill is passed and signed by the President shortly thereafter, having to meet these tests. It is fewer than 50, because we are talking about grades 3-8. Whatever that number is of kids in elementary school—probably it is 30 million who are in our elementary schools. So 30 million kids will start to be tested. You are not going to have the resources necessary to help the hardest hit schools in America ensure that the children are well prepared.

I realize this amendment is troublesome to people. They prefer that we don’t demand this. But just as we demanded special education for children without resources, until finally people were talking about 28, 29, 30, whatever number, to the doors of Washington and saying, “You people promised to help us do this.” I suggest we get ahead of their argument and provide the resources as a result of the amendment of the Senator from Minnesota, and then go forward with it.

I am prepared to support this. But I say to my friend from Minnesota, as hesitant as I am about supporting testing in the third, fourth, fifth, sixth, seventh, and eighth grades—by the way, third grade test, I wouldn’t mind. This is Federal. Forget about the State and local. On average, there are about five tests that kids have to go through during a year. I am willing to accept that. But I have the outrageous demand that we provide the resources to these schools so these kids have a chance to demonstrate what they are capable of.

If you are telling me that I can’t have the resources to at least give them a chance to prove how bright they can be, don’t ask me to require a kid to take a test that they can’t possibly pass and set them up for failure in life.

We only debate this bill once every 6 years. I suspect many of us on the floor today may not be here the next time the Elementary and Secondary Education Act is debated. If it were debated every year, I might wait until next year. If we don’t provide the funding in the language here that provides for it, a half a decade or more will go by before we are back again discussing this.

I don’t want in this last debate for the next Senator from Massachusetts, where we mandate this testing and mandate these standards from Washington to every school district in America, to then stick our hands in our pockets and walk away and tell them we are not going to give them the resources necessary to achieve success. I am confident they can achieve.

We have no obligation to guarantee any American success. But we do have an obligation to guarantee every American the chance to achieve his or her potential. That is a responsibility that I think I bear as a Member of this body. I am going to be hard pressed to vote for a piece of legislation that demands success without giving these kids the opportunity to prove what they are capable of.

The Senator from Minnesota has offered us an amendment which would complete the circle by requiring the tests but providing the resources that will allow us to judge fairly whether or not these children, their parents, and their schools are meeting their obligations. I thank my colleague for offering the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I know other people desire to speak. I would like to take 20 seconds to say to the Senator from Connecticut, try as I might, I cannot say it as well as he did. I thank him. We thank each other all the time. But a number of States are doing a very good job.

On the idea that we were going to effectively end any and all aid to those States after we accepted the amendments from the Senator from Vermont in terms of effectively saying if we don’t get the funding for effective tests, that we are not going to be obligated to do it, we have accepted the Wellstone amendment in terms of quality; we have accepted the Wellstone amendment for increased funding; we are going to make the battle in terms of funding for those programs.

But those tests which we are using under this legislation are happening today in 46 States. The question is, How are we going to have those tests? What I think the Senators from Minnesota and Connecticut, and I think on all sides of the aisle, want is not punishment for students but instruments by which we can determine what children are learning and what they are not learning: We want tests that will be responsive to curriculum reform, with well-trained teachers in those classrooms. It is going to take some time. But we have recognized that we are going to try to use quality tests in an effective way to enhance children’s learning.

I am not going to take a good deal of time, although I had the good opportunity in Massachusetts last week to appear at a conference sponsored by Mass Insight, and also to meet with Achieve—a nationally known organization that has been working on accountability for several years.

When I met with Achieve, they reported that 22 schools in Massachusetts have made significant progress using these tests. But, the Senator from Minnesota’s premise that if we do not get to the full funding for the Title I program within 4 years, that we cannot
provide for high-quality tests and good school reforms. But it is flawed. Choosing not to commit to developing good instruments of educational assessment and high standards that will drive curricular reform, teacher reform, educational reform, and accountability in those communities, I think, just misses the point.

Our bill in the Senate requires States to develop assessments in grades 3 through 8 in math and literacy, with the aim that those tests will be vital to the future educational success of children. If students do not know how to read, they cannot learn. If they do not know mathematics, they cannot continue their education, and they will not be able to survive in the modern economy. So, we have made a commitment in this bill to ensure that States develop and implement tests in those subject areas.

But in the 1994 reauthorization of ESEA, we required States to administer tests for school accountability at least three times: one in grades 3-5, once in grades 6-9, and once in grades 10-12. Some States have done a very good job of developing these assessments. Some have not done so well. But this bill will not build upon the progress made by those States who have developed high-quality assessments, and ensure that the additional assessments developed by States are of the highest quality.

I question the logic of discouraging high-quality assessment that will provide data to help improve education, if in Congress may not be able to secure 100 percent of the resources for reforms across the board in Title I. I cannot understand this, as much as I fight for increased funding for enhanced professional development, after-school programs, technology, literacy programs, and scores of other reforms essential to improve student achievement.

My colleagues on the Senate who like increased funding as much as I do. However, we should not use tests as a scapegoat if we are not able to achieve all that we advocate for. We should not take out our frustrations that stem from insufficient funding for Title I, on what have been recognized as effective instruments that measure student achievement, and help teachers tailor instruction to meet the needs of students. That should not be our goal.

I remind the Senator from Minnesota that he does not regard assessments as having a critical role in school reform. I know that he feels too many teachers teach to the test, and that too many tests are used punitively, rather than constructively. I believe that his concerns are at the heart of this amendment. However, good tests can play an important role in school reform.

Earlier in our consideration of this bill, I mentioned examples of assessments working in tandem with efforts to reform schools, as has occurred in the City of Boston. And every single student has been accepted to college. High expectations, high standards, and the assessments needed to measure progress. At the Burke school, they use tests to identify student weaknesses, and develop what is almost an individualized curriculum and academic program for each student in need of extra help. This is not a school that has great financial resources, but to the credit of the principal, the Burke school was received with great excitement by parents and the local community for the academic progress that has been made in the school.
yielding time to the Senator from Rhode Island?

Mr. WELLSTONE. How much time do we have?

The PRESIDING OFFICER. Thirty-five and one-half minutes.

Mr. WELLSTONE. I am pleased to yield 10 minutes to my colleague from Rhode Island. I also say, in 30 seconds right now, for month after month after month, I have been hearing how we are going to get a commitment from the administration of resources. We have no commitment of any resources in this bill when it comes to title I. I am trying to make sure we live up to our promises.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise as a cosponsor of the Wellstone amendment and a strong supporter of the amendment. I believe what Senator WELLSTONE is doing is calling our commitment. I believe what Senator and a strong supporter of the amendment cosponsor of the Wellstone amendment from Rhode Island.

This bill when it comes to title I. I am going to get a commitment from the month, I have been hearing how we are going to get resources. The difference, as he putting these resources in. That is the heart of the amendment.

I have also heard—and we hear this every time we engage in a debate on education—we are doing so much worse compared to other countries, particularly European countries. We very well may be. The answer, however, might not be testing. The answer might be having a comprehensive health care system for every child. It might be to have a program that every child, a very elaborate parental leave program for every family. Maybe if we did those things, our test scores would look very good relative to France or Germany or Great Britain or other countries. So be very careful and wary of these comparisons internationally.

We know that we can improve the quality of our education if we have accountability, and that requires some testing. But we also should know and recognize, as Senator WELLSTONE does, that accounting for real resources won’t make the difference we want to achieve. That is not unique to Senator WELLSTONE.

A recent Aspen Institute report noted:

In the effort to raise the achievement of all American students, an extremely serious barrier is the huge disparities in resources for education across districts and states. It is not unusual for per student expenditures to be three times greater in affluent districts than in poorer districts of the same state.

That accounts for many of the reasons why some students succeed and others fail. The real test, in fact the essence of democracy in America, is not what we say but where we send our children to school. Many parents recognize that when they purchase homes in areas that have good public schools versus those areas that are not funded as robustly.

Now, in addition, the Center for Education Policy concludes, in a recent report, that policymakers should be wary of proposals that embrace the rhetoric of closing the gap but do not help build the capacity to accomplish that goal.

Testing is just one aspect of that capacity building. We have to have good professional development, good parental involvement, and resources so that the school building itself is a place that children will want to go to and not try to shut and leave as quickly as they can.

The Wellstone amendment is very straightforward. It simply states that the new tests authorized under title I need not be implemented unless title I appropriations have reached $24.72 billion by 2005. That was the amount authorized by the Dodd-Collins amendment for the year the tests are scheduled to go into effect, also 2005.

This amendment has widespread support: The American Association of School Administrators, the Council of Great City Schools, the Hispanic Education Coalition, the Mexican American Legal Defense and Education Fund, the NAACP, the National Association of Black School Educators, the National Council of La Raza, the National Education Association, the National PTA, and the National School Boards Association—all of these groups representing those individuals closest to the issue of education. The school boards, the PTAs, they recognize the logic and the wisdom of the Wellstone amendment. We can recognize that logic, that we can support this amendment. And, frankly, if our intentions are good, and I believe they are, this amendment will be merely hortatory. If our intentions are good, we will appoint the money for the tests. We will reach those targets. Testing will go into effect. But if it is the intention or the mishap that we vote for testing but we don’t vote for resources to title I, then rather than rueing that day, we should vote for this amendment and provide a real check.

I urge all of my colleagues to support the amendment. I yield back my time to Senator WELLSTONE.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield such time as he may consume to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, let me say a few words about this amendment. Then I will speak on the bill in general.

Just reading the Wellstone amendment helps to clarify the argument and the signal this amendment sends. It says:

No State shall be required to conduct any assessments under this subparagraph in any school year if, by July 1, 2005, the amount appropriated to carry out this part for fiscal year 2005 does not equal or exceed $24,720,000,000.

That is, let’s fully fund—however we define “fully fund”—title I before we require any assessments. This is one of the most straightforward pieces of legislation I have ever seen. There is no discussion of what is being done, what is being measured. The signal of this amendment sends. It says: This amendment has widespread support:

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If one looks at the last decade, particularly in terms of the Federal Government's involvement, it has been about a 180-percent increase over the previous decade. Nationally, we have increased spending on education by about 30 percent, if one looks at every source of education.

There have been dramatic increases in education spending, but there has been no—repeat—there has been no correlation to increased test scores and increased student achievement.

What is the sincerity of the Senator from Minnesota, I question the logic and the message this amendment sends forth.

In the 1994 ESEA reauthorization, Congress required assessments in three grades. Those provisions were in effect no matter how much or how little Federal funding was provided. The fact is, we did not pay for the testing that we at that time required. In the bill before us, I believe we are more than increasing spending, we must meet the new mandates that are being placed upon the States.

The Senator from Minnesota says we are setting schools up for failure. I suggest that what we are really doing is freeing the freelozy States to make the kind of reforms to focus resources where real academic achievement can be realized.

I have talked to education officials in the State of Arkansas. I have talked to education officials in our State department, and they support the President's education initiative. They support the provisions regarding testing. It does not scare them. They realize this is the way we measure; this is the way we assess: this is the best means we have to really demonstrate that education is working, that children are learning, and that the investments being made in Federal, State, and local resources are good investments.

This amendment strikes at the very heart of the President's plan. We currently provide almost $9 billion for title I, and since title I has been around, we have seen no correlation rise in test scores among students being served. Why then would it be suggested we should require that we eliminate the most important accountability provisions of the bill and not put those accountability provisions in effect until we triple title I funding?

Total spending on elementary and secondary education has increased 129 percent over the last decade, but Federal spending has increased by over 180 percent over the last decade. Since Republicans gained control of the House and Senate in 1995, Federal spending on elementary and secondary education has increased from $14.7 billion in 1996 to $27.8 billion in 2002. That is an almost doubling of the Federal funds for elementary and secondary education.

I suggest we should not try to portray one party or another party as being committed to education but look at the facts, look at the commitment that has been demonstrated in resources. But increasing funding is simply not the answer in and of itself. There are a lot of statistics that can demonstrate that. Let me share a few of them.

These statistics came from the most recent 1998 National Assessment of Educational Progress, the NAEP test, demonstrating that with the $120 billion that has been invested, poor kids still lag behind those of more affluent backgrounds in reading. In 4th grade, the 8th grade, in the areas in which we require testing, we can see that gap as real and as evident as it ever was.

The whole reason the Federal Government involved itself in local education was justified by our commitment to narrowing the gap between affluent homes, advantaged children, and those from less affluent homes and disadvantaged backgrounds. The experiment has been a monumental failure.

The United States spends more per student than any other advanced nation in Europe—Denmark, Switzerland, France—and Australia, we are spending more money, sometimes dramatically more money, than other developed nations. If spending were the answer, if the more we spent per student the better the test scores were going to be, the greater the academic achievement, hence, the greater opportunity those children would have in the future, then we should be leading the world in academic achievement. After all, we are spending more per student than any other advanced nation.

What are the academic results internationally? A 1999 chemistry knowledge achievement on the TIMSS eighth grade test shows we are lagging behind Hungary, Finland, Japan, Bulgaria, Slovak Republic, South Korea, Russian Federation, Australia—we are way down in our achievement in the area of chemistry. We are spending more, but we are not producing more.

This chart shows that 1999 algebra knowledge achievement test in the area of math in the eighth grade. Once again, we are near the bottom of the industrialized nations of the world. South Korea cannot compare with how much we are spending per student in this country, and dramatically outperform American students. There simply is not the correlation between spending and academic achievement that many would like to draw.

This next chart shows that we are setting schools up for failure. Once again, looking at the industrialized nations around the world from Japan to Australia, they far outperform American eighth grade students in math and in science.

Does it mean we should spend less? No. It means we should spend more wisely. It means we must accompany increased spending with real reform, with accountability and assessment, with local control and flexibility. Truly one size does not fit all.

There is one message the Arkansas Department of Education sent to my office: Do not handcuff us; do not continue down the road of prescriptive national formulas on what we must do. Give us the flexibility to make local reforms and, hence, improve student achievement.

The evidence is clear that this amendment, well intended as it may be, is greatly misguided. We have a bill before us that, if we were to enact it without undermining its very underpinnings and pulling its very heart out, could move us in a dramatically new and better direction on education.

It provides important provisions on greater parental choice, not as much as many would like but greater parental choice. The straight A provisions, although much watered down, still provide a new and bold opportunity for a few States to experiment with real reform, unhindered by Federal prescriptive programs.

The evidence is clear that there is no correlation between increased spending and increased student achievement. The chart clearly demonstrates, even if we look at advanced nations in Europe—Denmark, Switzerland, France—and Australia, we are spending more money, sometimes dramatically more money, than other developed nations. If spending were the answer, if the more we spent per student the better the test scores were going to be, the
On improvement in teacher quality, I applaud and commend the distinguished Senator from New Hampshire for his lead on improving teacher quality and ensuring that money is wisely invested in professional development, not giving benefits all. I applaud the flexible funding stream to meet the particular teacher quality needs that school districts have across this country.

Finally, with those reforms, with increased parental flexibility, local school flexibility, with attention on individual children, with the requirements on testing, with the consolidation of the plethora of Federal programs, with all of those reforms, there is the increase in spending. That should be the proper Federal role.

We have a great opportunity before the Senate. We have been on the bill for weeks and weeks. We have debated scores of amendments. The genuine and real reform is the President's education program has thus far been kept intact. The challenge before the Senate this week and next will be to beat back those amendments that turn back to the failed strategies of the past, turn back to this misguided notion that more money means better education. That is our challenge, to keep that part of this bill alive, to honor the pledge the President of the United States made to the American people to take us in a new and dramatically better direction on education. I am still hopeful and optimistic, but amendments such as this threaten a return to the failed status quo.

Mr. KENNEDY. I indicated my opposition to the Wellstone amendment, but I take a moment to correct the record of my good friend from Arkansas what happened in Texas. Look what has happened in school funding from 1994 to 2001. Texas has increased their funding for education statewide by 57 percent. Look at the student achievement. Student achievement has increased. Resources have been expended in developing standards and assessments, academies that assist low-achieving students, professional development, and smaller class sizes. That is how the resources have been spent. They are yielding results.

I agree what we want to do is, with scarce resources, give the tried and true policies which have demonstrated effectiveness in the past and make them available to local communities so they make decisions and hold them accountable within that community. That is what this legislation will do.

The testing is also a part of this process. I agree it should be. I am not prepared to put it at risk because we didn't reach the actual dollar figure included in the Senator's amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Under a unanimous consent, the Senator from Michigan is recognized.

Ms. STABENOW. Briefly, Mr. President, I will respond to my friend from Arkansas and his charts, comparing our country to other countries.

One of my concerns in comparing countries is that we in the United States do not stress that we have very different values regarding universal free education for all children, kindergarten through the 12th grade. We take all. Whatever child walks in the door, whether that child has had breakfast, whether they have had a good night's sleep, whether they even had a bed or home in which to sleep the night before. We take all children. I believe that is a strength of the United States of America.

I have had the opportunity to travel around the world and speak with those involved in education in other systems and know if we were to make certain adjustments and only let children over the eighth grade who have met a certain level proceed, or do as done in other countries, that would have a different effect from what we do in the United States.

Mr. HUTCHINSON. Will the Senator yield?

Ms. STABENOW. Certainly. I ask it come from the opposition time.

Mr. HUTCHINSON. Would the Senator from Michigan concede that although there are differences between European nations and the students they educate in the upper grades, the statistics I showed giving international comparisons in the eighth grade in both Europe and the United States, all students are being educated, that it demonstrates we are achieving less on comparable student bodies in European nations?

Ms. STABENOW. If I may reclaim my time, I concur, from watching the study and what has been done, that we, while doing well at the fourth grade level in the TIMSS international studies, by the eighth grade we are losing children. We need to be toughening curriculum and we need to focus on accountability. Many times comparisons that are done are not fair and accurate given the value we have on public education.

Two further comments. First, saying resources should not be coupled with accountability and if the difference is to ignore what has happened today for our children in schools. It is not about the dollars. It is about lowering the class size. I have a friend in Grand Rapids, MI, who teaches high- special education. Last year over 30 students; this year, 15. Surprise, the children went from F's and D's to A's and B's. That is because there was more time for the teacher to teach and the children to learn. It is not about money; it is about retooling and teachers being able to teach smaller classes.

As an example, that same school has books that have situations that don't exist anymore. Countries that don't exist anymore. We should not do this again. This legislation will do. We should not do this again. This amendment will guarantee that, in fact, we will not just talk about requirements; we will make sure the resources are there so our children can truly succeed.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senator from Washington is to be recognized.

Ms. STABENOW. Mr. President, I ask how much time we have?

The PRESIDING OFFICER. The proponents of the amendment have almost
Mr. GREGG. Will the Senator from Minnesota allow us, Mr. President, after the Senator from Washington speaks, to set aside his amendment so the Senator from Texas could offer her amendment? And then after offering her amendment we could go back to the Wellstone amendment?

Mr. WELLSTONE. Could I ask how much time the Senator from Texas requires?

Mrs. HUTCHISON. Mr. President, I would like to take about 7 minutes, and the Senator from New York would be speaking on the amendment as well for about 5 minutes. Could we have, perhaps, 15 minutes? Because Senator Collins from Maine is going to try to come down. After 15 minutes, then we would go back to the Wellstone amendment, close that, and our amendment would be voted on afterwards.

Mr. WELLSTONE. Mr. President, my understanding is this would be after the Senator from Washington speaks? That will be fine.

Mr. GREGG. I ask unanimous consent that after the Senator from Washington speaks, the Senator from Texas be recognized for her amendment, that we set aside Senator WELLSTONE’s amendment, that she offer her amendment and be on her amendment for up to 15 minutes. Then we will return to Senator WELLSTONE’s amendment.

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

The Senator from Washington is recognized.

Mrs. HUTCHISON. Mr. President, Senator WELLSTONE brings us an amendment today that really gets to the very heart of this bill, helping our schools ensure that no child is left behind. Some seem to think the heart of this bill, helping our schools to succeed, is the Children’s Health Insurance Program. We must build a bridge from the House to the Senate side of the Capitol; after building a third of that bridge, we begin sending people over that bridge. Not surprisingly, no one makes it to the other side. Some Senators come to the floor and express shock and dismay at the condition of our public schools. After years of this kind of folly, we finally declare on the floor of the Senate that the bridge is clearly a failure and it has to be torn down. That is what we have done with title I. We have identified a need exists. We have developed a solution. We have failed to implement that solution. And then we have declared that the solution is not a good one.

The promise of title I has never truly been fully funded. In those of that, the promise for millions of children has also not been fulfilled. But this is not a matter of getting people across the Capitol. This is about our children’s lives. This is about giving them a true chance to succeed.

What about our accountability? What is our goal in this bill? Is it to set our children and their teachers up for failure or is it to ensure that no child is left behind by, yes, measuring their progress but also providing the resources that will help them make that progress?

I have heard my colleagues claim over and over again that the testing in this bill is simply a measure and it will help us identify the needs. Will anyone really be surprised if these new tests show that many children in our most poor schools are not succeeding? When will they have sufficient evidence that the problem exists and be willing to then take the steps necessary to solve it? We keep hearing people say this bill is about accountability. I have news for them. Most of our Nation’s teachers, principals, and educators have always felt accountable to the people they serve in their own communities.

What about our accountability? When will we be held accountable for our performance through our commitments? We have gotten away with not following through on this one for 35 years. Isn’t it time we held ourselves accountable and stopped picking on the teachers and the parents and the students who are struggling every day with insufficient resources?

About a month ago, 78 of our colleagues came down to this floor and voted to invest this amount of funds in our most disadvantaged children. Was that day just another test, not a smaller class, a well-prepared teacher, or an after-school program?

I urge my colleagues to support the Wellstone amendment and show the Nation’s most disadvantaged students that we are committed to offering more than just words of encouragement. We are committed to offering them the support they need to succeed. What is our goal in this bill? Is it to impose an enormous unfunded testing mandate on our schools? Is it to declare our schools are in need of improvement or to shut them down? Is it to send our children and their teachers up for failure or is it to ensure that no child is left behind by, yes, measuring their progress but also providing the resources that will help them make that progress?
any pending amendment and to call up amendment No. 540.

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

AMENDMENT NO. 540 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mrs. Hutchison) proposes an amendment numbered 540.

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

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

The amendment is as follows:

(Purpose: To provide for education reform programs that provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes)

On page 684, strike lines 1 through 5, and insert the following:

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(1) programs to provide same gender schools and classrooms, if comparable educational opportunities are offered for students of both sexes;
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AMENDMENT NO. 540, AS MODIFIED

Mrs. Hutchison. Mr. President, I send to the desk an amendment to amendment No. 540, a modification to be substituted for the text of the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

There is no objection.

The amendment (No. 540), as modified, is as follows:

(Purpose: To amend the provisions relating to same gender schools and classrooms)

On page 684, strike lines 1 through 5, and insert the following:

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(1) programs to provide same gender schools and classrooms, consistent with applicable law;
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On page 684, between lines 16 and 17, insert the following:

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(c) Award Criteria and Other Guidelines.—Not later than 120 days after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall issue specific award criteria and other guidelines for local educational agencies seeking funding for activities under subsection (b)(1)(L).
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Mrs. Hutchison. Mr. President, this is an amendment that several of us have worked on for quite a while trying to come up with the right formula.

I thank Senator Kennedy, and I especially want to thank my colleagues, Senator Collins, Senator Mikulski, and Senator Clinton, for trying to come up with a solution to a problem that we have seen over many years; that is, obstacles put in place against public schools being able to offer single-sex classrooms and single-sex schools.

We are trying to open more options to public school than are available in private school because we want public schools to be able to tailor their programs to meet the needs of students in that particular area.

Most of the time coeducational classes in schools are going to be the answer. But sometimes in some circumstances we find that girls do better in a single-sex atmosphere and boys do better in a single-sex atmosphere. We want parents who might not be able to afford private school or might not have the option of parochial school to be able to go forward and say: We would like to offer a single-sex eighth grade math class for girls or we would like to offer a single-sex chemistry lab for boys or we might want a whole single-sex school, such as some that have had successes.

I imagine my colleague, the Senator from New York, will mention this because one of the great success stories in single-sex public schools is the Young Women’s Leadership Academy in East Harlem, NY, which just saw its first high school graduation and schools such as Western High School in Baltimore that has been in place since the 1800s.

These are the kinds of schools that have weathered all the storms, faced the lawsuits, and have gotten over it. We don’t want those kinds of barriers. If people want that kind of option, and parents come to the school boards wanting that option, that is easily obtainable. Under applicable law, schools can offer, under title VI, which is the creativity title—the title that we hope will open more options for public schools, single-sex schools and classrooms—we want to make the amendment of Education, which is provided in this amendment, to have 120 days to issue guidelines so the public schools that are interested in offering this kind of option will have clear guidelines on how they must structure the program to meet applicable law. That is simply what the amendment does. It has been agreed to by all of the entities that have been working on this issue.

I think this is very exciting. It is something I have worked on since Senator Danforth of Missouri left the Senate; he tried to get an amendment passed when he was here that would have allowed single-sex schools and classrooms and made it easier to do that. But the Department of Education, frankly, has been the barrier. They have put the roadblocks in front of the people who want to try to do this around the country. Most people have been persuaded. Ones such as the East Harlem Young Women’s Leadership Academy have prevailed, and they have done very well.

However, we shouldn’t have to overcome hurdles. We want public schools to meet all of the tests and all of the individual needs of students without having to go to a lot of red tape, a lot of bureaucracy, and many barriers. That is what this amendment will do.

I call on my colleague from New York, who has worked with me on this amendment. I talked to her about my observations of the leadership school in Harlem when we first put this amendment forward. She has been a real leader in helping me work through the amendment and getting everyone to agree on what we could do to go forward. I appreciate that help. I yield to my colleague, the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. Clinton. Mr. President, I thank my good friend and colleague from Texas for her leadership on this and so many other issues. The remarks she made very well describe why I stand in support of this amendment.

We believe public school choice should be expanded and as broadly as possible. Certainly, there should not be any obstacle to providing single-sex choice within the public school system. I thank the Senator from Texas for being a leader in promoting quality single-sex education and for working with me, as well as our colleagues from Maryland and Maine, and with the chairman of the Education Committee, to find a compromise that would further the ability of our school districts around the country to develop and implement quality single-sex educational opportunities as a part of providing a diversity of public school choices to students and parents but in doing it in a way that in no way undermines title IX or the equal protection clause of the Constitution.

We know, as the Senator from Texas has said, that single-sex schools and classes can help young people, boys and girls, improve their achievement.

In New York City, we have one of the premier public schools for girls in our Nation. In fact, yesterday the New York Times reported that the first class of girls graduating from the Young Women’s Leadership Academy in East Harlem in New York City—all 32 of the seniors—were accepted by 4-year colleges, and all but one are going to attend while the other young woman has decided to pursue a career in the Air Force, which we know is also an opportunity for young women.

We have to look at the achievements of a school such as the one in New York City that I mentioned, the Young Women’s Leadership Academy, or other schools that are springing up around the country. We know this has energized students and parents. We could use more schools such as this.

With the negotiations we have engaged in over this amendment, there was some disagreement that we had to work out about how to comply with title IX and with the Constitution because there has been confusion around our country in school districts about how they can develop single-sex educational opportunities without running afoul of the law or a constitutional prohibition.

This amendment clearly states that school districts should have the opportunity to use federal educational funds on promoting single-sex opportunities so long as they are consistent with applicable law. It also makes
clear that the U.S. Department of Education should clarify to our school districts what they can and cannot do. Their guidance should be developed as soon as possible. The Senator from Texas and I will watch closely to make sure this guidance is available to school districts.

Both title IX and the equal protection clause provide strong protections so schools cannot fall back on harmful stereotypes. For example, we have done away with the prohibition on the use of sex-segregated classes that used to keep girls out of shop classes. I can remember that—even out of prestigious academic high schools because they were boys only. We have broken down those barriers. We don’t in any way want this amendment to start building them up. We are trying to be very clear that we uphold title IX and the Constitution while we create more young women’s leadership academies that will make a real difference in the lives of young women and young men.

For example, we do not need another situation as we had with VMI, where young women were first prohibited from attending the school and then were provided with an alternative that was not in any way the same as what was available to the boys.

The language offered here strikes the important balance between providing flexibility to offer single-sex educational opportunities and providing the legal safeguards pursuant to the VMI decision, and key title IX protections, to ensure that we do not turn back the clock.

The Senator from Texas and I want to do is to provide more and more opportunities for our young people to chart their own courses, to make it clear that they are able to have their own futures in their hands by getting the best possible public school education.

So I am very grateful that we have come together today on behalf of this important amendment which will send a clear signal that we want public schools to provide choices. We want to eliminate sex-based stereotyping. We want to make it clear that every young girl can reach her fullest potential and should be able to choose from among options that will make that possible; and the same for our young boys as well.

So I thank the Senator from Texas for not only putting forth this amendment but for working so hard on making it really do what we intend it to do, so there will be the kind of opportunities for our children that we in this Chamber favor and that we hope this bill will bring about.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 4 minutes to my colleague and cosponsor of the amendment, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, I commend the Senator from Texas for her superior work on this issue. She and I have been working on it for a very long time. I am delighted to see the bipartisan compromise amendment reached today.

This action is long overdue and would correct a misinterpretation of title IX of the education amendments of 1972 that clearly was never intended. Our amendment would ensure that local school districts can establish single-sex classrooms. I would like to share with my colleagues a wonderful example from Presque Isle High School in northern Maine of what can be accomplished with a single-sex classroom.

A gifted math teacher in Presque Isle by the name of Donna Lisnik believed that an all-girls advanced mathematics class would result in higher levels of academic achievement. She was absolutely right. Donna established an all-girls math class, and the results were absolutely outstanding. Both the achievement of the girls, whether measured on SAT scores or by other tests, and the results, the number of girls participating in the class, soared. Everything was a plus.

I had the privilege of visiting Mrs. Lisnik’s class. I saw firsthand the enthusiasm the girls had for mathematics, how comfortable they felt, and how they were accelerating.

However, unfortunately, in the previous administration, the Department of Education concluded that this very worthwhile and effective course did not correct historical inequities and, thus, deemed it to be a violation of title IX requirements. As a result, Presque Isle had to open the course to both boys and girls. It was unfortunate that the school was prevented from pursuing a strategy that was working in very high achievement levels for the girls attending those classes.

Senator HUTCHISON’s bipartisan compromise amendment will ensure that schools with innovative education programs, designed to meet gender-specific needs, will not face needless obstacles.

This amendment is a great example of our working across party lines to do what is best for our children and for educational reform. It will give schools the flexibility to design and the ability to offer single-gender classes when the school determines that these classrooms will provide students with a better opportunity to achieve higher standards.

That is a goal we all share.

I see the Senator from Delaware as also seeking to speak on this issue, so I yield back to the Senator from Texas the remainder of my time. Again, I commend her for her hard work on this issue. It has been a pleasure to be her partner in this regard.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I do want to say we would not have gotten to this point without Senator COLLINS’ leadership and help. We adopted this amendment before. We are now back adopting it again because the bill that we passed before did not end up on the President’s desk.

So I thank the Senator from Maine for her support very much.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. WELSTONE). The Senator has half a minute.

Mrs. HUTCHISON. I ask unanimous consent the Senator from Delaware be yielded 1 minute, and then that I be recognized for 30 seconds to close.

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

The Senator from Delaware.

Ms. COLLINS. Mr. President, I thank the Senator from Texas very much for providing me the 1 minute. And I thank the President for sitting for me so I might speak.

Mr. President, I ask unanimous consent to be added as a cosponsor to the amendment that is being offered.

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

Mr. CARPER. Mr. President, if the Senate should be concerned foremost with what is going to work to raise student achievement. We want to provide the resources that will enable and foster and nurture that achievement. We also want to make sure we take away barriers to that student to get the best possible public school education.

So I see the Senator from Delaware as reminding me that 10 years ago we faced a roadblock in my own State of Delaware because we were unable to do, on a small scale, what we seek to do with this amendment. I know it is not just our State but in the 49 other States young men and young women will benefit if we are able to include this in the legislation that goes to the President, and then if we follow up in the 50 States of America.

I applaud each of you for offering the amendment and thank you for the opportunity to speak on its behalf.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the distinguished Senator from Delaware, the distinguished former Governor, who obviously has another example of how these big barriers have hurt our ability to allow students to get the best education for their particular needs.

So I just close by saying now it is up to the Department of Education. What we are saying in this Chamber today is: Drop the barriers. Open the options for public schools. Give parents a chance to have their child in public school have all the options that would fit the needs of that particular child.

I again thank Senator MIKULSKI and Senator COLLINS who have been with
me on this amendment from the very beginning, and I thank our new cosponsors, Senator Clinton, Senator Carper, and Senator Kennedy, for working with me to form this compromise. The bottom line is that the Department of Education must step up to the plate. I have discussed this with Secretary Rod Paige. He agrees. He has committed to me that he will open the spigot, open the floodgates, to allow this to be one of the options that will be available to the parents of public schoolchildren in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Carper). The time has expired.

Mr. Kennedy. If it is agreeable to the Senator from Minnesota, we could dispose of the amendment on a voice vote now. Would that be agreeable to the Senator?

Mr. Wellstone. That would be fine.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 540, as modified.

The amendment (No. 540), as modified, was agreed to.

Mrs. Hutchison. Thank you, Mr. President.

Mr. Kennedy. I move to reconsider the vote.

Mrs. Hutchison. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. Kennedy. Mr. President, I yield myself just 3 minutes on the amendment of the Senator from Texas.

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

Mr. Kennedy. Mr. President, I want to join in thanking the Senator from Texas. This issue is one of enormous importance. We have heard very eloquent comments and statements about the opportunities that this type of amendment can provide for young Americans.

We want to take advantage of those opportunities. As one who has been here for some time, I have often seen where there appear to be opportunities, and where there have also been discrimination against individuals. That has been true in a variety of different circumstances. None of us wants to see this. We know that is not the intention of anyone who is supporting this particular program.

The Senator was enormously helpful and positive and constructive, as was the Senator from New York, Mrs. Clinton, Senator Collins, Senator Mikulski, and others, in making sure that we were, to the extent possible, not going to see a reinforcement or a return to old stereotyping which has taken place at an unfortunate period in terms of American education. They have done that, and I am sure that with the amendment. That has been enormously I yield the floor.

The PRESIDING OFFICER (Mr. Dayton). The time has expired.

Mrs. Clinton. Mr. President, I ask unanimous consent that the amendment under consideration be set aside.

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

Mrs. Clinton. Mr. President, I did not realize that the Senator from Minnesota wanted to continue at this moment. I yield to him.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. Wellstone. Does the Senator have an amendment she is trying to dispose of?

Mrs. Clinton. I am trying to propose the amendment, but I will lay it aside, and I am not asking for a vote.

AMENDMENT NO. 466

Mr. Wellstone. I think we should probably go ahead and finish up on the other amendment. How much time do we have?

The PRESIDING OFFICER. Fifteen minutes and 57 minutes 30 seconds for the other side.

Mr. Wellstone. May I ask the other side how much time they intend to use?

Mr. Kennedy. Mr. President, if the Senator wanted to yield the time back, I would urge my colleague from New Hampshire to yield his time back.

Mr. Wellstone. I have a little time to summarize. If you all are going to undo it at the end, I will go ahead and finish. If you have a lot to say, I want to respond to your comments. All right.

I thank the Senator from Massachussetts and the Senator from New Hampshire.

Mr. President, I thank all of my colleagues who have come to the Chamber and spoken on the amendment; quite a few Senators have. I thank each and every one of them for some very powerful words. I almost forget everybody, but Senator Dodd, Senator Murray, Senator Reed, Senator Corzine, Senator Stabenow, I thank all of them.

This amendment says that the tests that are authorized under title I need not be implemented until after we live up to our goal of appropriating the $24 billion for title I. This is the amount the Dodd amendment called for in authorization. I am not saying that Minnesota or any other State can’t go forward. They can do whatever they want. What I am saying is, States have a right to say to us, if you don’t live up to your word to get us the resources to go with the testing, then we decide whether we want to do this. The testing that is being done post-1994 goes on. I am talking about the testing in this bill.

This amendment has endorsements from, among others, the Hispanic Education Coalition, Mexican American Legal Defense and Education Fund, NAACP, National Council of La Raza, National Education Association, National Parent Teacher Association, National School Board Association. In addition, we have a letter from Democratic Governor基本上 saying, while we support the Carnahan/Nelson amendment, we are hopeful that any final version to reauthorize ESEA will apply a funding trigger more broadly, specifically to include title I. The argument being that the Government needs to strengthen its accountability with adequate new investment.

Colleagues, there is a reason that all these organizations that represent the education community on the ground— I include the National Education Association as well—support this amendment, because what they are saying is: Don’t set us up for failure. If you are going to mandate that every child in every grade will be tested every year, grades 3, 4, 5, 6, 7, and 8, then how about a mandate that we will have equality of opportunity for every child to be able to succeed and do well on these tests? To not do so is ethically unjust.

This bill, right now, without the resources, without this amendment passing, will test the poor against the rich and announce that the poor failed. Federally required tests without federally required resources for the children amounts to clubbing children over the head after we have systematically cheated them. We know an advance which children are going to fail. This is a plan, without this amendment passing, not for reform, not for equality, but for humiliation of children.

How in the world can we continue to have the schools? They don’t have the resources. They have the large classes. All too often, it is two or three or four teachers in a given year, much less the children living in homes where they move two or three times a year. They come to kindergarten way behind, not kindergarten ready. Quite often, they don’t have qualified teachers. They don’t have the technology. They don’t have the resources. Then, in the absence of making the commitment to making sure these children have a chance to do well, the only thing we are going to do is require testing and fail them again.

This amendment is just saying, if we are going to have the testing, we are going to provide the resources.

My friend Jonathan Kozol, who I think is the most powerful writer about children in education today, says that testing is a symbolic substitute for educating. Don’t substitute a symbol for the real thing. Kids who are cheated of Head Start—we fund 3 percent of the children who could benefit from early Head Start, a per cent of the children who are 4-year-olds. Children who are cheated of small classes, cheated of well-paid teachers learn absolutely nothing from a test every year except how much this Nation wants to embarrass and punish them. That is what is wrong with having the testing without the resources.

I hope the testing advocates do not assume that teachers are afraid to be held accountable. Frankly, that is libel against teachers. No good teacher is going to be held accountable for what she or he does. I wish I had the time. I have e-mails from teachers all across the country about this.

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Accountability is a two-way street. What we have here is one-way accountability. We want to have the tests every year, but we don’t want to be accountable to the words we have spoken. Seventy-nine Senators went on record to vote for authorizing full funding for Title I, for disadvantaged children, in 10 years.

I see my colleague, the Senator from Minnesota, presiding. He would say: Why 10 years? He is right. A 7-year-old will be 17 then. That is too late. You only have your childhood once. Nevertheless, we went on record, and that means that by 2005, we made a commitment of $25 billion for Title I, which right now is funded at a 30-percent level.

So Senator Dayton, in St. Paul, when you get to a school with fewer than 65 percent low-income children, they don’t receive any funding—we have run out already—money that could be spent, really, with the little children, for additional reading help, after school, prekindergarten. What this amendment is saying is that 79 Senators voted for that authorization. If that is what we did, and it was a good vote for the Dodd-Collins amendment—Senator Dodd was here speaking—then let’s live up to our words.

Let’s say that unless that money is appropriated—and I can see Senators running a race—and I can see Senators fighting to authorize full funding for the title I program for the children in my State—knowing that the authorization has nothing to do with whether there is money.

This amendment makes the words real. Let’s not fool around with people. Let’s live up to our commitment, and let’s make it clear: yes to accountability, but we also are going to follow through when it comes to living up to our commitment of resources.

I have heard Senators say if we talk the talk but we do not walk the walk, we are going to fail our children. That is exactly what is wrong with this bill that calls for the testing without the resources and publishing test scores is talking, only talking.

Giving title I, supporting what we should be doing—fully funding Head Start, making sure every child comes to kindergarten ready to learn, getting the best teachers in the schools, providing additional help for reading—that is walking. That is what this amendment is. This is a walking amendment.

I say to Senators: It is time to walk. It is time to start walking. It is time to start walking your talk. It is time to start living up to what you said when you voted for the full funding for title I.

Let’s be accountable. I have heard the majority of Senators say they were going to fight for the resources to go with the testing. Now is the time to do so.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened to the Senator make a very impressioned plea for funding the program, and I am all in agreement with it. I feel, however, as if we are describing two different bills.

The pending Senate bill already includes accountability. The bill already includes testing. And, at the present time under current law, there are already 15 States that are testing students every year, in grades 3 through 8, in math and reading. There are 46 States that are testing their students annually in at least two grades. States that are complying under the 1994 law, including the 15 States already mentioned, and are being held accountable for their progress, under provisions that describe adequate yearly progress in Title I. This is nothing new.

The amount that those 15 States are spending on their statewide tests is low. Many States are not investing the resources that they really need to ensure high-quality assessments. According to the Education Commission of the States, those 15 States only spend between $1.33 and $69 per student annually on their assessments.

Under our legislation, the Jeffords amendment would ensure $89—do we hear that?—$89 per student for States to develop their annual assessments by the 2001–2002 school year, and math for grades 3–8. According to the National Association of State Board of Education, it takes between $25 and $125 per student to develop such assessments. $89 should be sufficient. Not $1, as exists now, not $5, but $89.

The Wellstone amendment essentially eliminates requirements to develop those assessments, and eliminates the promise that those high-quality assessments may hold to produce the data that can drive school reform. We are cutting off our nose to spite our face. Senator Wellstone is thinking that, sometime in the future, we will eventually begin this process of assessment. In reality, assessments are in place now.

To say if we do not get full funding, if we miss it by $500 million, what happens? We are not going to provide any of the accountability. If we miss it by $300 million, we are not going to get it. With all respect to my colleague from Connecticut, their amendment for full funding was for 10 years. This amendment calls for full funding in 4 years. I am all for full funding in 4 years, if Senator Wellstone wants to offer an amendment that does make those essential reforms in the underlying bill.

I have spoken with the President about this very subject. We ought to increase funding for Title I, and double our present commitment to cover two-thirds of the children, and the other third during his administration. I have said it publicly, and I said it to the President within the last 3 days.

I am going to continue to fight this fight, because I believe in the Title I program. However, I say that at the end of the day we are not going to be able to implement high quality tests that help us in the reform process I do not understand. I just do not understand it because tests are nothing new. We are currently assessing student progress for accountability today, and more and more States are implementing a plan similar to that which is in this underlying bill. Many States are already there. They are doing these things. They are not doing very well. We have seek in this bill to address that point.

We are not talking about the future. We have addressed the issue of quality assessments many times, and we have considered the amendments that we have taken. We want to improve upon States’ current practice. We have tried to accomplish that with the amendments to date, but that goal will not be met by the pending amendment offered by the Senator from Minnesota.

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

The PRESIDING OFFICER. Five minutes.

Mr. WELLSTONE. Let me try to clear up the confusion of my good friend from Massachusetts. First, part of what we talked about is whether or not there should be full funding for the testing; I support the Carnahan amendment, it was not there. I think it should have been adopted.

The Senator talked about the Dodd amendment full funding in 10 years. This amendment does not call for full funding by 2005. This amendment tracks the Dodd amendment. This amendment is a 100-percent reflection of what we have already gone on record supporting. I do not call for full funding; $25 billion in 2005 is not full funding. This is exactly what the Dodd amendment calls for as we reach full funding in 10 years.

As to the testing, it is true we are already testing. As a matter of fact, this amendment does not talk about that testing. This amendment talks about the fact that this bill, called the BEST bill, I say to my colleague from Massachusetts, does not say title I children are tested. It says every child in every school district in every State is tested every year. That is quite a different piece of legislation in its scope. Finally, one more time, the National Council of LaRaza, National Education Association, National Parent Teacher Association, National School Board Association, Democratic Governors—why in the world do you think they support this bill? Because they have enough of it. They have had enough of us constantly putting more requirements on them without backing it up with resources.

They are a little bit suspicious of the Congress. They think we are great when it comes to telling them to do this, this, and this, but they do not think we fully fund what we ask them to do, and they are right.

That is why they support this, and they are right. We are saying if you are going to have a national mandate that every child is tested, then let’s have a national mandate to make sure
every child has an opportunity to do well on those tests and make sure you live up to your commitment on the title I programs, which is one of the major Federal commitments—it is not a large part of education money spent, but it is a real important piece when it comes to what a commitment it is.

This commitment just asks every Senator to walk the talk. You already went on record saying you are for this. Now let’s get real. This amendment just says walk your talk. If you say you want to expand title I programs, which is one of the significant pieces, you have to make make sure we do our very best for the children who are struggling in our schools.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

On page 43 under “Assessments,” this bill spells out the tests which I mentioned earlier are statewide. There are currently 15 States that are testing reading and math annually in grades 3 through 8.

Accountability in current law is based, at least partly, on these tests that are currently being administered. Not all, but many of these tests are not of the highest quality. They are not aligned with standards. They are not valid and reliable measures. I want to see them make them better. We have in place in this legislation, with the amendments that have been accepted—the Jeffords amendment, the Wellstone amendment, the Collins amendment. The best estimate has been provided by the National Association of State Boards of Education. They estimate that the cost of developing high quality State tests, aligned to standards, in grades 3-8 ranges from $25 to $125 per student. Our bill provides $69 per student. If States do not receive the funds provided by the Jeffords amendment under this bill for testing, they may suspend the development or implementation of their tests.

The fact is S. 1, when the President signs it, will contain accountability provisions that will be driven by, as it says on page 43, existing tests under requirements that mirror current law. Many of those tests are not of high quality. Some States are doing better than others. I can understand why the President and our committee both want to do better. To eliminate the possibility to do better, by waiving off assessments, does not make any sense to me.

Mr. WELLSTONE. Mr. President, if the Senate lives up to its word and we do exactly what we say we are going to do in the appropriations, which is to provide the money for title I which provides the money for the extra help for reading and after school and pre-kindergarten, nobody loses.

I am calling everybody on their bluff on the words they have spoken. I have not seen any firm commitment about money. I have not seen the administration commit to work with any commitment of resources to expand title I to make sure we do our very best for these kids. I don’t think this program called BEST, is the best, unless we live up to our commitment.

This should be easy for Senators to vote for. It just means that in our appropriations we do exactly what we promised to do. How can anyone vote against it which already voted for? How can Members vote against an appropriation that is exactly the same thing Members voted for as an authorization? What is wrong with saying, don’t ask me to vote for testing every child throughout America in every subject at the same time, when those tests were put in place, there was no funding at all to support them.

This President has suggested that is not correct. He has put in place $3 billion of new funding for the purposes of underwriting the costs of these tests. In addition, he has suggested the most significant increase of title I funding. The testing in 1994 required the curriculum be aligned and that the tests be fairly pervasive. At the same time, when those tests were put in place, there was no funding at all to support them. This President has suggested that is not the case. He has put in place $3 billion of new funding for the purposes of underwriting the costs of these tests.

In addition, he has suggested the most significant increase of title I funding. The testing in 1994 required the curriculum be aligned and that the tests be fairly pervasive. At the same time, when those tests were put in place, there was no funding at all to support them.

Senator KENNEDY hit the nail on the head. If this amendment passes, essentially we are stepping backward on the issue of assessment. And we are stepping backward, therefore, on the issue of finding out whether or not low-income kids are getting fair treatment in our school systems. That is what this is about.

Will we have in place a procedure for determining whether or not our low-income children are getting fair treatment? The only way to do that is through a testing regime in the form outlined in this bill. If we abandon that testing regime, for all intents and purposes, we are going back to the present status quo which has produced 35 years of failure. We know it is not working. It is time to make the changes proposed in this bill. Regrettably, the Wellstone amendment takes us backward, rather than forward, in that effort.
I see our deputy leader and our Republican floor manager. We had been talking during the course of the afternoon, and hopefully we will have a pathway which will lead us to two votes. I believe, on Monday night and then hopefully set the stage for our Tuesday decision.

I heard from our leader, if we are able to work that out, there might not be further votes this evening. But this is very much a high priority for our Republican floor manager, and hopefully we will be able to work that out as rapidly as possible.

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.

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

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

Mrs. CLINTON. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The assistant legislative clerk read as follows:

The Senator from New York (Mrs. CLINTON), for herself, Mr. TORRICELLI, and Mr. CORSZINE, proposes an amendment numbered 516.

Mrs. CLINTON. Mr. President, I call up amendment No. 516.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mrs. CLINTON), for herself, Mr. TORRICELLI, and Mr. CORSZINE, proposes an amendment numbered 516.

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 following amendment, as ordered:

(Purpose: To provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children)

Page 586, between lines 18 and 19, insert the following:

**SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA’S CHILDREN.**

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART E—MISCELLANEOUS PROVISIONS"

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA’S CHILDREN."

(a) STUDY AUTHORIZED. —The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study on the health and learning impacts of sick and dilapidated public school buildings on children that have attended or are attending such schools.

(b) STUDY SPECIFICATIONS. —The following information shall be included in the study conducted under subsection (a):

(1) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include:

(A) Have been built on contaminated property;

(B) Have poor indoor air quality;

(C) Have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, indications of rodents, insects, or other animals that may carry or cause disease;

(D) Have dust or debris from crumbling structures or construction efforts;

(E) Have radon or other characteristics as determined by the Director of the Centers for Disease Control and Prevention to indicate an unhealthy school environment;

(2) The health and learning impacts of sick and dilapidated public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidences of or infections with chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

(3) Recommendations to Congress on the development and implementation of public health and environmental standards for constructing new public elementary and secondary school buildings, remediating existing public school buildings, and the overall monitoring of public school building health, including cost estimates for the development and implementation of such standards and a cost estimate of bringing all public schools up to such standards.

(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the health and learning impacts on students that attend unhealthy public schools, including recommendations for obtaining such information.

(c) STUDY COMPLETION. —The study under subsection (a) shall be completed by the earlier of:

(1) Not later than 18 months after the date of enactment of this Act; or

(2) Not later than December 31, 2002.

(d) AUTHORIZATION OF APPOINTMENTS. —There is authorized to be appropriated $2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a).

AMENDMENT NO. 516, AS MODIFIED

Mrs. CLINTON. Mr. President, I ask unanimous consent to modify the amendment and send the modification to the desk.

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

The amendment (No. 516), as modified, is as follows:

On page 586, between lines 18 and 19, insert the following:

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF SICK AND DILAPIDATED PUBLIC SCHOOL BUILDINGS ON AMERICA’S CHILDREN AND THE HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM."
SEC. 4502. HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

(a) Short Title.—This section may be cited as the "Healthy and High Performance Schools Act of 2001."

(b) Purpose.—It is the purpose of this section to assist local educational agencies in the development of high performance elementary school and secondary school buildings and school grounds that are healthy, productive, energy-efficient, and environmentally sound.

(c) Program Establishment and Administration.—(1) Program.—There is established in the Department of Education the High Performance Schools Program (in this section referred to as the "Program").

(2) Grants.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, may, through the Program, award grants to State educational agencies to permit such State educational agencies to carry out paragraph (3).

(3) State Use of Funds.—(A) In General.—State educational agency awarding a grant under this section shall use the grant funds made available under subsection (d)(1)(A) to award subgrants to local educational agencies to carry out the activities described in paragraph (4).

(B) Supplementary Grant Funds.—The State educational agency awarding a grant under subsection (d)(1)(A) shall use the funds received under paragraph (3) to match any funds received from another source.

(4) Local Use of Funds.—(A) In General.—A local educational agency receiving a subgrant under paragraph (3)(A) shall use such subgrant funds for new school building projects and renovation projects that—

(i) achieve energy-efficiency performance that reduces energy use to at least 80 percent below this baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline and to help bring schools into compliance with health and safety standards.

(ii) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

(ii) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

(2) Renewable Energy.—(4) Local Use of Funds.—(A) In General.—A local educational agency receiving a subgrant under paragraph (3)(A) shall use such subgrant funds to achieve energy efficiency performance that reduces energy use below the school’s baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline and to help bring schools into compliance with health and safety standards.

(2) Renewable Energy.—

(3) Allocation of Funds.—(1) In General.—A State receiving a grant under this section shall use the grant funds to—

(A) not less than 70 percent of such grant funds to carry out subsection (c)(3)(A); and

(B) not less than 15 percent of such grant funds to carry out subsection (c)(3)(B).

(2) Reservation.—The Secretary may reserve an amount not to exceed $300,000 per year from amounts appropriated under subsection (d) to implement the Program. Such funds may be used to develop reference materials to further define the principles and promote healthy, high performance school buildings.

(2) Reservation.—The Secretary may reserve an amount not to exceed $300,000 per year from amounts appropriated under subsection (d) to implement the Program. Such funds may be used to develop reference materials to further define the principles and promote healthy, high performance school buildings.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) Healthy, High Performance School Building.—The term ‘healthy, high performance school building’ means a school building which, in design, construction, renovation, and maintenance, maximizes use of renewable energy and energy-efficient practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(2) Renewable Energy.—The term ‘renewable energy’ means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.

Mrs. CLINTON. Mr. President, I rise today to focus the attention of my colleagues and our country on the environmental health and energy efficiency of our Nation’s schools.

Throughout this debate, we have come to the floor to propose solutions for improving student achievement and ensuring that all of our children are provided with a world-class education. I am very pleased that we have made a lot of progress on a consensus basis—that all children should be guaranteed an education focused around high academic standards, that every child should be taught by a quality teacher, and that we should hold educators accountable for making sure their students can meet these high standards.

There is something we have not yet addressed; that is, to ensure that our children attend schools that are in good working condition and that are conducive to their learning and not detrimental to their health. I was disappointed that we were not successful in our efforts to provide needed Federal support for repairs and renovations to modernize our schools, and we have done a disservice to many of our children.

In the State of New York, for example, we have children who attend school in unhygienic and unhealthy buildings. Approximately 67 percent of all the schools in New York have at least one inadequate building feature. That can mean a leaky roof or poor plumbing or electrical shortages, windows that are broken, heating, ventilating, and air conditioning systems that just don’t work. What I hope we can do is to take a hard look at what the effects of these building conditions are on our children. We have children in New York attending classes in school buildings that average 50 years of age. In upstate New York the average is 36. These are the problems that are brought to my attention every single day—leaking roofs and bad filtration conditions that are beginning to demonstrate health problems in the schools.

In central New York, the Council for Occupational Health and Safety began receiving complaints from teachers and students about a particular school. When the director inspected the building, he discovered that the air filtration system was filled with hundreds of colonies of fungus and that another part of the system was filled with stagnant water. At another school in Cohoes, NY, near Albany, the ventilation system in the city was so bad that the school administration banned the use of chalk because the dust hung in the air, making it difficult for students and teachers to breathe.

I recently received an e-mail from a father in Schenectady, NY. He wrote me the following:

My children attend school in the city of Schenectady. At the 90-year-old elementary school they attend, peeling lead-based paint, a malfunctioning heat system resulting in 80-90 degree classroom temperatures, and general disrepair have been the norm for far too long. These conditions have led to leaks, resulting in molds growing in the building. Maintenance of playgrounds to conform to
The American Public Health Association recently passed a resolution calling for further research on the extent and impact of children's environmental health and safety risks and exposures at schools and prevention measures, including research sponsored by the U.S. Department of Education.

My amendment would authorize $2 million for a study conducted by the Department of Education in conjunction with the Centers for Disease Control and the Environmental Protection Agency to evaluate the health and learning impacts of sick and dilapidated public school buildings on the children who attend those schools.

This study would specifically call for researchers to determine the characteristics of our public schools that contribute to unhealthy environments, including the prevalence of such characteristics as the ones I have just mentioned in our elementary and secondary school buildings. How can we better understand and identify what steps can be taken or help our local school districts take to remedy this situation?

Hand in hand with our environmental health is the issue of energy efficiency because many of the problems are from old ventilating systems, old heating systems that are not in working order and cause health problems, as well as costing more in energy than should be the norm.

In this amendment, we are asking that we help our schools deal with their energy costs. The U.S. Department of Energy estimates that schools can save 25 to 30 percent of the money they currently spend on energy—namely, about $1.5 billion—through better building design and use of energy-efficient appliances, renewable energy technologies, and just plain improvements to operations and maintenance.

I recently visited the John F. Kennedy High School in Kingston, NY. It is leading the way in our State in making schools more energy efficient and saving money. In fact, last year, the Kingston School District saved $395,000 through energy-efficient upgrades.

When I was there, I released a brochure that we are sending to every school superintendent in New York called "Smart Schools Save Energy, Promoting Energy Efficiency in New York State Schools," with a lot of good ideas about how to go about making the schools energy efficient and saving money to be used on computers or other important needs of the school.

What we have been told is that many school personnel want to do what is being recommended in this brochure and is known to many school districts, but they need a little bit of help to do it. They need that startup grant money that will enable them to make the changes that will save them money. This amendment provides $2 million in grants to States to help districts make their buildings healthier and more energy efficient.

By incorporating provisions of legislation I recently introduced, the Healthy and High Performance Schools Act of 2001, this amendment would provide funds for States to provide information and materials to schools, help States organize, and conduct programs for school board members, district personnel, architects, engineers, and others, and would help bring our schools up to code, the codes that will make our schools healthier and a better investment when it comes to energy security in this country.

With these Federal funds, we can make our schools more energy efficient which can save money which can then be used to reinvestment in our children's education that all of us in this body support.

I thank Senators Kennedy and Grego for the opportunity to offer this important amendment. I also reference the energy legislation that has been introduced by Senators Mankowski and Bresnahan which include provisions to bring this about.

I appreciate the opportunity for the entire Senate to vote on this amendment which will be a healthy vote as well as an energy-efficient vote on behalf of our children. No parent should have to worry about sending a child to school because it is a health risk. No school district should have to worry more about paying the lighting bill or the heating bill than paying their teachers.

Understanding the effects of unhealthy classrooms and school buildings and moving toward energy efficiency goes hand in hand with the high standards we set in this bill. I urge all of my colleagues to vote for healthy schools, energy-efficient schools, and better educational outcomes for all of our children.

I ask unanimous consent that my amendment be laid aside and await a vote which I hope we will be able to schedule for next week. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I thank the Senator from New York for giving focus to two extremely important issues. One deals with the inefficiencies that are found in many of the older schools, in urban and rural areas. This is something that should be done. It is not being done. It is particularly important to consider since we have been unable to accept a school construction amendment that would deal with the modernization of our schools.

With all the challenges we are facing in energy efficiency, having visited so many of the schools in many of the older communities in my own State, this is something that can make an enormous difference in many of the schools. Whether the Senator has had the experience, but in Massachusetts we had an energy expert come in and look at our

In addition to facing poor air quality, we are also exposing our children to toxins because indoor air can have an even greater effect on children than the air they breathe outside. The EPA warns that Americans spend 90 percent of our time indoors. With children spending much of their day inside schools, that pollution can add up, and it can be a greater stress on them than anything they encounter outside. We know that poor indoor air quality severely impacts children's health.

According to the American Lung Association, asthma accounts for 10 million lost school days annually and is the leading cause of school absenteeism attributed to a chronic condition.

Furthermore, a survey conducted by the New York City Health Schools Working Group found that 40 percent of schoolchildren who had a preexisting condition, such as asthma, worsened from being in school.

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According to the American Lung Association, asthma accounts for 10 million lost school days annually and is the leading cause of school absenteeism attributed to a chronic condition.

Furthermore, a survey conducted by the New York City Health Schools Working Group found that 40 percent of schoolchildren who had a preexisting condition, such as asthma, worsened from being in school.
home down on Cape Cod. The recommendations they made and the savings that could be achieved were truly remarkable. We are not getting that kind of evaluation which is available in the private sector in the school districts. We hope school districts will go ahead.

The Senator’s amendment recognizes there are other priorities for school boards, and there is a national interest in having greater efficiency.

In the area of health, this is enormously important. I think all of us know the Senator has—worked in the area of lead paint poisoning and the impact that has particularly on smaller children, situations where older children bring the lead paint dust back to their homes, and they can be consumed by infants and the potential health hazards to these children is dramatic.

There is asbestos, radon, and new chemicals which we all know about in the industrial areas that are being given attention in OSHA. The schools are increasingly exposed to these challenges. It is having an impact.

I commend the Senator for bringing this up. In Woburn, MA—the Senator probably read the book “A Civil Action,” or saw the movie on it. We had the greatest concentration of children’s leukemia in the country. It was in a very narrow area. This was adjacent to conditions which were illustrated in “A Civil Action.” The families who were involved were similar in situations.

We knew a certain distance upstream from where the wells were they were dumping these old wooden casks which had been filled with acids used in tanneries in Lynn where they process it, and some magnificent leather products were produced there. But they were dumping, and these wells were anywhere from 10 to 15 miles downstream. There were open wells, and families were using the wells, and the children were getting leukemia. It was as certain as we are standing here, it was caused by these chemical problems. We had the best toxicologists in the world examine the water, and they could not find anything wrong with it—nothing. The best from CDC, the best universities and toxicologists, have never been able to detect a particular ingredient that caused it, but we knew it was happening.

The Senator is pointing out what I have seen. We know it is happening in some schools. The children are getting sick, it is affecting their ability to learn. We can benefit from this effort.

I thank the Senator and look forward to supporting this amendment when we have a chance. I urge our colleagues to accept it. I thank her for bringing it to the floor this evening.

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

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam 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. Madam President, I ask unanimous consent the Senate resume consideration of S. 1 on Monday, June 11, at 2:30, and Senator BOND be recognized to call up amendment No. 476, with 30 minutes for debate, equally divided in the usual form, with no second-degree amendments in order; following debate, the amendment be laid aside and Senator LANDRIEU be recognized to call up amendment No. 476 regarding title I, with 2 hours equally divided in the usual form, with no second-degree amendments in order.

Further, that at 5:15 the Senate vote in relation to Landrieu amendment No. 475; and, following the disposition of the Landrieu amendment, there be 4 minutes for closing debate to a vote in relation to the Bond amendment No. 476.

Further, on Tuesday, June 12, the Senate resume consideration of the education bill at 9:30, and Senator GREGG be recognized to call up amendment No. 536, and there be 4 hours of debate equally divided, with no second-degree amendments in order:

Further, following the disposition of the Gregg amendment, Senator CARPER be recognized to call up amendment No. 518, with no second-degree amendments in order, and there be 2 hours of debate equally divided; that upon the use of the time, the Senate vote in relation to the amendment.

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

Mr. KENNEDY. In light of this agreement, there will be no further rollcall this evening. There will be two rollcall votes beginning at 5:15 on Monday, June 11.

AMENDMENTS NOS. 557, AS MODIFIED, 483, AS MODIFIED, 491, AS MODIFIED, 506, AS MODIFIED, 483, AS MODIFIED, 491, AND 415, EN BLOC.

AMENDMENT NO. 483 AS MODIFIED

(Purpose: To provide additional limitations on national testing of students, national testing and certification of teachers, and the collection of personally identifiable information)

On page 29, between lines 14 and 15, insert the following:

"SEC. 16. ADDITIONAL LIMITATIONS.

(a) NATIONAL TESTING IN GENERAL.—Notwithstanding any other provision of this Act or any other provision of law, except as provided in paragraph (2), no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a nationwide test in reading, mathematics, or any other subject, including test development, pilot testing, field testing, test implementation, test administration, test distribution, or any other purpose.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the following:


"(B) The Third International Math and Science Study (TIMSS).

MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department as otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education professionals, including any planning, development, implementation, or administration of such test or certification.

(c) DEVELOPMENT OF DATABASE OF PERSONALLY IDENTIFIABLE INFORMATION.—Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.”

AMENDMENT NO. 491 AS MODIFIED

(Purpose: To establish a National Panel on Teacher Mobility)

Beginning on page 380, strike line 5 and all that follows through page 383, line 21, and insert the following:

SEC. 202. TEACHER MOBILITY.

(a) SHORT TITLE.—This section may be cited as the “Teacher Mobility Act”.

(b) NATIONAL PANEL ON TEACHER MOBILITY.

There is established a panel to be known as the National Panel on Teacher Mobility (referred to in this section as the ‘panel’).

(b) MEMBERSHIP.—The panel shall be composed of 5 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

(c) PERIOD OF APPOINTMENT; VACANCIES.— Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled by the powers of the panel, and such vacancy shall be filled in the same manner as the original appointment.
"(d) Duties. —
"(1) Study. —
"(A) In general. — The panel shall study strategies for increasing mobility and employment of teachers, especially for States with teacher shortages and States with districts or schools that are difficult to staff.
"(B) Background. — As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis on —
(i) teacher supply and demand;
(ii) the development of recruitment and hiring strategies that support teachers; and
(iii) increasing reciprocity of licenses across States.
"(2) Report. — Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.
"(e) Powers. —
"(1) Hearings. — The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers necessary to carry out the objectives of this section.
"(2) Information from Federal agencies. — The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this section. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.
"(3) Postal services. — The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(f) Personnel. —
"(1) Travel expenses. — The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.
"(2) Detail of Government employees. — Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(g) Permanent Committee. — Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

"(h) Authorization of Appropriations. —
"(1) In general. — There is authorized to be appropriated for the purposes of this section —
(i) $25,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years to carry out section 4126;.
(ii) On page 565, between lines 18 and 19, insert the following:

"SEC. 4126. SUICIDE PREVENTION PROGRAMS.

"(a) Grants Authorized. —
"(1) Authority. — The Secretary is authorized to award grants and contracts to elementary schools and secondary schools for the purpose of —
(A) developing and implementing suicide prevention programs; and
(B) providing training to school administrators, faculty, and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.
"(2) Award Basis. — The Secretary shall award grants and contracts under this section —
(A) on a competitive basis;
(B) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State;
(C) in a manner that ensures that such grants and contracts are equitably distributed among States and across States.
"(3) Use of Funds. — Funds provided under this section may be used for the following purposes:

(i) To provide training for elementary school and secondary school administrators, faculty, and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

(ii) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

(iii) To conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(iv) To provide measurable goals for and expected results from the use of the funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b).

(v) To incorporate appropriate remuneration for collaborators.

"(e) Application. — The provisions of this part (other than this section) shall not apply to this section;.

AMENDMENT NO. 556 AS MODIFIED
(Purpose: To provide additional protections and limitations regarding private schools, religious schools, and home schools)

On page 299, between lines 14 and 15, insert the following:

"SEC. 16. ADDITIONAL LIMITATIONS AND PROTECTIONS REGARDING PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

"(a) Applicability to Private Schools. — Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, or to require any student who attends a private school that does not receive funds or services under this Act to participate in any assessment referenced in this Act.

"(b) Applicability to Private Schools. —

Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, or to require any student who attends a private school that does not receive funds or services under this Act to participate in any assessment referenced in this Act.

"(c) Applicability to Private, Religious, and Home Schools. —

Nothing in this Act shall be construed to affect any private school (including a private school that does not receive funds or services under this Act) or to require any student who attends a private school that does not receive funds or services under this Act to participate in any assessment referenced in this Act.

"(d) State and Local Mandates Regarding Private and Home School Curricula. —

Nothing in this Act shall be construed to require any State or local agency that receives funds under this Act or to require any State or local agency that receives funds under this Act to participate in any assessment referenced in this Act.

"(e) Blue Ribbon Schools Dissemination.

Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, or to require any student who attends a private school that does not receive funds or services under this Act to participate in any assessment referenced in this Act.
‘(2) REPORT TO CONGRESS.—Not later than 3 years after the date on which the Secretary implements the initial demonstration projects under subsection (a), the Secretary shall submit to Congress a report regarding the effectiveness of the demonstration projects.

‘(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $7,500,000 for fiscal year 2002, and such sums as may be necessary in each of the 7 fiscal years thereafter.’:

AMENDMENT NO. 548
(Purpose: To limit the application of the bill)
At the appropriate place, add the following:

‘SEC. . (a) Whereas the Bible is the best selling, most widely read, and most influential book in history;

(b) Whereas familiarity with the nature of religious beliefs is necessary to understanding history and contemporary events;

(c) Whereas the Bible provides a study for its literal and historic qualities;

(d) Whereas many public schools throughout America are currently teaching the Bible as literature and/or history;

SEC. . It is the sense of the Senate that nothing in this Act or any provision of law shall discourage the teaching of the Bible in any public school.’:

AMENDMENT NO. 415
(Purpose: To establish a grant program)
On page 565, between lines 18 and 19, insert the following:

‘SEC. 4126. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.

(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system.

(b) Conditions.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

(c) INTERAGENCY AGREEMENT.—(1) IN GENERAL.—The Secretary shall ensure the provision of the services to a student described in subsection (e) specifying with regard to each entity, authority or agency:

(A) the financial responsibility for the services;

(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

(C) the conditions and terms of reimbursement among the agencies, authorities, or entities that are parties to the interagency agreement, including procedures for dispute resolution.

(d) REPORTING.—(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, a State educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENT.—An application submitted under this section shall—

(A) describe the program to be funded under the grant, contract, or cooperative agreement;

(B) explain how such program will increase access to quality mental health services for students;

(C) explain how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary;

(D) provide assurances that—

(i) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services;

(ii) the services will be provided in accordance with subsection (e); and

(iii) teachers, principal administrators, and other school personnel are aware of the program;

(E) explain how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students; and

(F) explain how the applicant will establish a program to support students and the school in maintaining an environment conducive to learning.

(2) REPORT TO CONGRESS.—(A) The Secretary shall ensure that grants, contracts, or cooperative agreements awarded under this section shall be used to make available through such grant, contract, or cooperative agreement to—

(i) enhance, improve, or develop collaborative efforts between educational systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students;

(ii) enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services and on going mental health services;

(iii) provide training for the school personnel and mental health professionals who will participate in the program carried out under this section;

(iv) provide technical assistance and consultation to school systems and mental health agencies participating in the program carried out under this section;

(v) provide linguistically appropriate and culturally competent services; and

(B) evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.

(3) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

(4) OTHER SERVICES.—Any services provided through programs established under this section may not supplant existing Mental Health Services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(5) EVALUATION.—The Secretary shall evaluate each program carried out by a State, tribal, or local entity, under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

(6) REPORTING.—Nothing in Federal law shall be construed—

‘(1) to prohibit an entity involved with the program from reporting a crime that is committed by a student, to appropriate authorities; or

‘(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

‘(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal years 2002 and 2003, and such sums as may be necessary for fiscal years 2004 through 2005.

AMENDMENT NO. 544, AS MODIFIED

Mr. MURKOWSKI. Madam President, every year, thousands of youth die in the United States in motor or car accidents, but by their own hand, they make the choice that they want to die, and they take their own life. Statistics show that suicide is the 3rd leading cause of death among those 15 to 24 years of age. It is the sense of the Senate that suicide is the greatest cause of death among high school age youths. In fact, Alaska’s suicide rate is more than twice the rate for the entire United States. Recent studies have shown that girls are more likely to report suicide thoughts, plans, and attempts than are boys. Among Alaskan girls, 24.9 percent have seriously thought about suicide, 20.5 percent have made a plan for suicide, and 10 percent have reported a suicide attempt. Among Alaskan boys, 12.5 percent have seriously thought about suicide, 10.8 percent have made a plan for suicide, and 5.3 percent have reported a suicide attempt. Alarmingly, Alaska Native teens are at four times the rate of non-Native teens.

Only recently have the knowledge and tools become available to approach suicide as a preventable problem with realistic opportunities to save lives. Last month the Surgeon General issued a “National Strategy for Suicide Prevention.” The “National Strategy” requires a variety of organizations and individuals to become involved in suicide prevention and emphasizes coordination of resources and culturally appropriate services at all levels of government—Federal, State, tribal and community.

One of the objectives included in the Surgeon General’s “National Strategy” is developing and implementing suicide prevention programs. His goal is to ensure the integration of suicide prevention into organizations and agencies that have access to groups that may be at risk. The objectives also address the need for planning at both the State and local levels, the need for technical assistance in the development of suicide
prevention programs and the need for ongoing evaluation. The amendment I am proposing today would help implement these objectives. It would allow for state and local educational agencies to create suicide prevention programs for elementary and secondary schools for the purpose of: (1) developing and implementing suicide prevention programs; and (2) provide for the training of school administrators, faculty and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

This is a small step in the right direction. It is time that we do something to fight the suicide epidemic. With an unacceptably high suicide rate, we must be focused on both the causes and solutions to this growing tragedy. I urge my colleagues to support this amendment. America’s youth are crying out for help.

AMENDMENT NO. 621, AS MODIFIED

Mr. HOLLINGS. Mr. President, I rise today to thank the distinguished Senator from Massachusetts and the distinguished Senator from New Hampshire for accepting amendment No. 621, an amendment to continue the Blue Ribbon Schools program and authorize a demonstration program to investigate how we can implement the best practices of Blue Ribbon Schools in schools that this bill identifies as needing improvement.

The United States Department of Education awarded the first Blue Ribbon designations to middle and high schools in 1982. The first elementary schools received the designation in 1985. Since that time, we have identified thousands of exemplary schools that have undergone a thorough self-assessment involving parents, teachers, and community members; evaluated their practices in areas such as school leadership, professional development, curriculum and student support services; and proven that these practices work through performance on standardized tests and other indicators. I think every member of this body can attest to the quality of the Blue Ribbon Schools in his or her state.

The legislation before the Senate would create two new awards programs, the Achievement in Education Awards and the No Child Left Behind Awards. Mr. President, I did not offer this amendment in opposition to the Department offering these awards. In fact, I support the recognition of schools that significantly improve student achievement. However, these two awards are outcomes-based, focused on which schools improve test scores from one year to another. The Blue Ribbon program offers a contrast. It recognizes schools that work with parents and community members to identify shortcomings within the school and design programs to successfully address those shortcomings. I believe that we should continue to recognize these schools.

For the Blue Ribbon Program to continue and thrive, we must commit to applying the information we gather from Blue Ribbon designees to offer schools in need of improvement. This process works. Beaufort Elementary School was included in a list of the 200 worst schools in South Carolina during the 1994-95 school year. Yet instead of relying on an academic or bureaucratic improvement process, the school constructed a road map for reform using the successful practices of Blue Ribbon Schools. Less then six years later, Beaufort Elementary received a Blue Ribbon designation of its own, symbolizing a 180-degree turnaround. Another school that has successfully used this process to generate positive school reform is Handle Middle School in Columbia, SC. I hope all of my colleagues will take the time to read the May 21, 2001 issue of Time magazine that recognizes Hand Middle School as the Middle School of the Year. The article does a much better job than I could of describing a school that implemented changes based on the third and fifth practices of Blue Ribbon schools and rallied the community to create a better, more productive learning environment for students. These schools now serve as a model for other low-performing schools who are working tirelessly to reverse their fortunes.

I have included new authorization in my amendment to allow the Department of Education to initiate demonstration projects that would use the best practices of Blue Ribbon Schools to turn around schools that fail to make average yearly progress. This is an area that the Department has neglected since the inception of the Blue Ribbon Program. As we speak, filling cabinets full of Blue Ribbon applications containing information on research-based educational practices that work are doing little else but gathering dust. Let’s take this information and get it out to schools in need of improvement and see how it works.

This is not a bureaucratic or regimented process. This is not a process that involves Federal or state governments mandating one approach over another. This is not a process that attempts to reinvent the wheel. This would be a process that disseminates information on practices that we know are effective. I envision schools first identifying an area for development—whether it be new reading curriculum, a new math curriculum or a dropout prevention program. Next, they are able to examine records from Blue Ribbon Schools that have implemented similar programs and decide which approach best fits their own needs. Because these programs come from Blue Ribbon Schools, they are researched-based and have been favorably reviewed by educational experts. I have also required the Secretary to report to Congress on the effectiveness of these demonstration projects 3 years after the demonstration begins, so we will know if this process is working.

Mr. KENNEDY. I thank our colleagues for their cooperation. I have been making important progress, I am not sure we can say yet tonight that the end is quite in sight, but hopefully we can say that at the early part at the end of the day on Tuesday we might be able to see a glimmer of hope for reaching a final disposition of this legislation.

I thank all colleagues for their cooperation, and I thank my friend from New Hampshire, Senator Gregg, and, as always, the Senator from Nevada, Mr. Reid.

Mr. REID. Madam President, before going to morning business, I compliment the managers of this legislation. It is obvious they are both veterans and understand the legislative process. We have made great progress the last 2 days.

As Senator Kennedy has said, next week we should be able to finish this bill with a little bit of luck.

MORNING BUSINESS

Mr. REED. I ask unanimous consent we now go into a period of morning business, with Senators allowed to speak for up to 10 minutes, with the exception of Senator Murray, who wishes 15 minutes, and Senator Feingold for 15 minutes.

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

(See the remarks of Mrs. Murray pertaining to the submission of S. Con. Res. 47 are printed in today’s Record under “Submission of Concurrent and Senate Resolutions.”)

The PRESIDING OFFICER. The Senator from Wisconsin.

THE FEDERAL DEATH PENALTY SYSTEM

Mr. FEINGOLD. Madam President, I rise today to speak with grave concern about a report released by the Justice Department yesterday on our Federal Government’s administration of the death penalty. In that report and in his testimony before the House Judiciary Committee yesterday, Attorney General John Ashcroft said that he now concludes that “there is no evidence of racial bias in the administration of the federal death penalty.” I am seriously, seriously concerned about and, frankly, disappointed by the Attorney General’s statements. The report he released yesterday is a superficial analysis of the federal death penalty ordered by his predecessor, Attorney General Reno, and President Clinton.
This is a very urgent matter because the Federal Government, in a matter of days, is about to resume executions for the first time in decades, including that of Juan Raul Garza. He is scheduled to be executed by the United States of America on June 19. Mr. Garza’s case has not received the level of intense scrutiny or legal representation that his more notorious death row colleague, Timothy McVeigh, has received. But Mr. Garza’s case, and his possible execution, should cause the Attorney General and the President to realize that our Nation is even more deep in soul-searching than that which has begun with respect to the scheduled execution of Mr. McVeigh.

A survey on the Federal death penalty system was released by the U.S. Department of Justice in September 2000. That report showed racial and regional disparities in the Federal Government’s administration of the death penalty. In other words, who lives and who dies in the Federal system, and once in the Federal system, and when a U.S. attorney submits a capital eligible case for further review. This survey, therefore, does not address a number of important questions that arise before the U.S. attorney decides whether to enter a plea bargain or to move forward with the NIJ study.

Later in January, before the new administration took office, the NIJ began its in-depth analysis by convening a meeting of outside experts, defense counsel and prosecutors to discuss the questions that should form the basis for the research proposals. Attorney General Ashcroft promised to continue and not terminate the NIJ study.

At that hearing, I asked him if he would support the effort of the National Institute of Justice (NIJ) to undertake the study of racial and regional disparities in the Federal death penalty system that President Clinton deemed necessary. Attorney General Ashcroft said, unequivocally, “‘... the studies that are under way, I’m grateful for them. When the material from those studies comes, I will examine them carefully and eagerly to see if there are ways for us to improve the administration of justice.’”

I then followed up with yet a third question on this subject: “So those studies will not be terminated?” Attorney General Ashcroft responded: “I have no intention of terminating those studies.”

In response to written questions I provided to him following his live testimony, I asked the Attorney General a number of related questions about the need to eliminate racial or regional bias from our system of justice. He replied that he believed the Department of Justice should undertake “all reasonable and appropriate research necessary to understand the nature of the problem.”

It is clear that Attorney General Ashcroft said he would continue and not terminate the NIJ study initiated by the Reno administration. I was pleased to hear him make this commitment.

But, since the new administration took office, no steps have been taken to move forward with the NIJ study. Rather, the Attorney General now believes it would take much too long to conduct this in-depth analysis of disparity and to provide in-depth answers. To say that the NIJ research should not be undertaken because it may take more than a year and provide inconclusive answers is just baffling. I am absolutely confined by the Attorney General’s unwillingness to take such a simple step to ensure fairness and to promote public confidence in the Federal system.

I asked Attorney General Ashcroft did say yesterday that he would order the National Institute of Justice to study the effectiveness of Federal, state and local law enforcement in the investigation and prosecution of murder in Wisconsin and how death penalty cases are brought into the Federal system. While this review may provide some additional insight into the functioning of our criminal justice system, it is not the NIJ review of racial and geographic disparities ordered by Attorney General Reno.

The supplemental report released yesterday lacks credibility: it is a case of “we looked at ourselves and there’s no evidence of bias.” Instead of conducting a thorough analysis of the racial and regional disparities with outside experts, as outlined by Attorney General Reno, Attorney General Ashcroft collected the additional data—also ordered separately by Attorney General Reno—threw in some goodwork. I appreciated Attorney General Reno for her action in ordering further studies, I thought she should have gone one step further and establish an independent, blue ribbon commission to review the Federal system. That’s what Governor George Ryan did in Illinois, and the independent panel there is doing some goodwork. I’ve introduced a bill that applies Governor Ryan’s example to the Federal Government, the National Death Penalty Moratorium Act. We should demand the highest standards of fairness and credibility in our Nation’s administration of the ultimate punishment.

Attorney General Ashcroft’s actions are wholly unsatisfactory and inconsistent with the promises he made to the Senate and the Nation during his confirmation hearing.

I was pleased to hear Attorney General Ashcroft say on Friday, May 11:

Our system of justice requires basic fairness, evenhandedness and dispassionate evaluation of the evidence and the facts. These fundamental requirements are essential to protecting the constitutional rights of every American and to sustaining public confidence in the administration of justice.... It is my responsibility to promote the sanctity of the rule of law and justice. It is my responsibility and duty to protect the integrity of our criminal justice system.

The basic fairness, evenhandedness and dispassionate evaluation of the evidence and facts, and facts, about which he spoke,
extend to the troubling racial and regional disparities in the Federal system, as documented by the Department of Justice September 2000 report.

As my colleagues are aware, I oppose the death penalty. I have never made any secret of that. But this is not really about just being opposed to the death penalty. This is about bias-free justice in America. I am certain that not one of my colleagues in the Senate—not a single one—no matter how strong a proponent of the death penalty, would defend racial discrimination in the administration of that ultimate punishment. The most fundamental guarantee of our Constitution is equal justice under law, equal protection of the laws. To be true to that central precept of our national identity, we have to take extremely seriously allegations that the death penalty is being administered in a discriminatory fashion.

So I urge the Attorney General, in the strongest possible terms, to reconsider his actions and direct the National Institute of Justice to continue its study, with outside experts, of the racial and regional disparities in the Federal death penalty system. I also urge the Attorney General to postpone Mr. Garza’s execution until these questions of fairness are fully answered. The case of Mr. Garza—a Hispanic and convicted in Federal court in Texas—implicates the very issues at the center of the unfairness reflected in the DOJ report. It would be wholly illogical and unjust to go forward with plans for the execution of Mr. Garza and subsequent executions until the NIJ’s study is completed and fully reviewed. It would be a great travesty of justice, as well as a great diminution in the public’s trust in the Federal criminal justice system, if the Federal Government executed Mr. Garza and the NIJ later completed its study, which corroborated racial or regional bias in the administration of the Federal death penalty.

The integrity of our system of justice demands no less.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

COMMENDING SENATOR FEINGOLD

Mr. REID. Before my friend from Wisconsin leaves the Chamber, I would like to say that I have always been very impressed with the Senator from Wisconsin. I may not always agree with him on the issues—but most of the time I do. One reason I am so impressed with him is he is always so thorough and has such a conviction about the issue of which he speaks. Whether it is an issue dealing with foreign policy or a country the name of which most of us have trouble pronouncing, he understands what is going on in that country and the human rights violations that take place.

I never had the opportunity to say publicly to my friend, Senator Feingold, how impressed I am with his intellectual capabilities and his ability to express them in this Chamber. I do that now and congratulate him.

Mr. FEINGOLD. I thank the Senator very much.

SENATE PAGE RECOGNITION

Mr. LOTT. Madam President, this Friday is graduation day for the Senate pages. These young men and women are some of the hardest working employees of the Senate. They have a grueling schedule. Many people don’t know that the pages go to school from 6:00 a.m. until the Senate opens, and are here even past the time the Senate goes out for its lunch break. We have had several late evenings, sometimes not leaving until after midnight. While most of the Senate employees go home and go to sleep, the pages do not. After work the pages have homework and studying to do. Their work is never done.

They do an invaluable service for the United States Senate and get little acclaim. However, the experience is extraordinary and one they will remember for the rest of their lives.

Over the past semester the pages have been witness to several historical events. The State of the Union, the passing of the largest tax cut in history and being a part of an evenly divided Senate.

I would like to take this opportunity to recognize each page and the State that they represent.

Republicans: Kendall Pitch, South Carolina; Jackie Grave, Missouri; Elizabeth Hansen, Utah; Joshua Hanson, Indiana; JeNel Holt, Alaska; Adrian Howell, Mississippi; Eddie McGaffigan, Virginia; Mary Hunter (Mae) Morris, Alabama; Jennifer Ryan, Idaho; Megan Smith, Kentucky; O. Dillion Smith, Vermont; Garrett Young, New Hampshire.

Democrats: Libby Benton, Michigan; Steve Hoffman, Vermont; Alexis Gassenhuber, Wisconsin; Kelsey Walter, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, South Dakota; Michael Henderson, South Dakota; Kathryn Bangs, South Dakota; Brette Butlerfield, Montana; Lyndsey Williams, Illinois; Joshua Baca, New Mexico; Andrew Smith, Texas.

Congratulations to you all on a successful semester as a Senate page. We wish you the best of luck as you encounter all future challenges. Thank you for your patronage and service to the U.S. Senate.

IN HONOR OF MR. WILLIAM T. KOOT

Mr. REID. Madam President, I rise today to honor a distinguished Ne-
The Oklahoma City Bombing Case

Mr. LEAHY. Madam President, we are all familiar with the recent developments in the Oklahoma City bombing case. Last month, just 6 days before Timothy McVeigh was to be executed, we learned that the FBI had withheld thousands of pages of documents from McVeigh’s defense team. The execution was then postponed until June 11 to give McVeigh and his lawyers time to review the evidence that should have been provided to them before the trial began.

The bombing of the Oklahoma City Federal Building 6 years ago left 168 people dead and hundreds more injured.

The Federal Government spent millions investigating and prosecuting McVeigh, and millions more on his defense. The prosecution and the courts bent over backwards to ensure that he got a fair trial—one in which outcome all Americans would have confidence. A member of the prosecution team once called McVeigh’s trial “a shining example . . . of how the criminal justice system should work.”

I have great respect for the dedicated team of prosecutors and law enforcement agents who worked on the Oklahoma bombing case. I honor their commitment and I commend their accomplishments. But I agree with the commitment and I commend their achievement. I honor their memorialexcept for the Oklahomans who worked on the Oklahoma City bombing case. I honor their memory . . . of how the criminal justice system should work.

The bombing of the Oklahoma City Federal Building 6 years ago left 168 people dead and hundreds more injured.

The second lesson to be learned from the McVeigh case is this: Process matters. The new documents that the FBI discovered may have no bearing on McVeigh’s guilt or sentence, but that does not excuse the FBI’s initial oversight in failing to produce them.

The right to a fair trial is not some arcane legal technicality. It is the bedrock constitutional guarantee that protects us all against wrongful convictions. The fair trial violation in Jeffrey Pierce’s case did have a bearing on his guilt or innocence, and is not identical with the micromiscoscopy that is known as “hair found at the crime scene. Turns out it was someone else’s hair. Whoops: Mistakes happen.

Finally, the McVeigh case reminds us that however much we may long for finiality and closure in criminal cases, the first duty must always be to the truth. While I may disapprove of the FBI’s failure to produce evidence 6 years ago, I would be far more troubled if it had tried to cover up its mistake. It appears that the FBI and the Department of Justice acted responsibly under the circumstances, by turning over the materials in an orderly manner and giving McVeigh time to consider his response. The Government’s willingness to acknowledge its mistake and uphold the rule of law was proper and commendable.

It also stands in sharp contrast to the actions of certain State and local authorities. The sad truth is that in America in the 21st Century, with the most sophisticated law enforcement and truth-detection technologies that the world has ever seen, there are still some law enforcers who would rather keep out critical evidence, and hide the system’s potential mistakes from the public, than make sure of the truth. There are still people playing “tough on crime” at the expense of truth and justice. A prosecutor’s duty is to the truth, the whole truth, and nothing but the truth. That duty does not end just because the defendant has been convicted. As Attorney General Ashcroft said in announcing the postponement of McVeigh’s execution: “If any questions or doubts remain about this case, it would cast a permanent cloud over justice, diminishing its value and questioning its integrity.”

The pendulum swing is occurring even in Oklahoma City, where Mr. McVeigh bombed the Alfred P. Murrah Federal Building six years ago, killing 168 and wounding thousands. One cannot think of the Oklahoma bombing case without thinking of the hundreds of victims whose lives that bomb shattered. We as a society cannot give the families back their loved ones, but we can and should give them closure. As the Attorney General acknowledged, you cannot have real closure without a fair and complete legal process that ensures that all of the evidence is both properly gathered and properly presented.

We cannot achieve infallibility in our criminal justice system, and we cannot spend millions of dollars on every trial. No one suggests that we should. But if we want real justice for those defendants, like Jeffrey Pierce, who happen to be innocent, and real closure for victims of violent crime, we must ensure that we as a society do not cut corners in the administration of criminal justice. That requires, at a minimum, that we provide competent counsel to capital defendants and make DNA testing available in all cases where it could demonstrate the defendant’s innocence.

Process matters, for victims and defendants alike, and we will take real action in this Congress to pass the Innocence Protection Act and stop cutting the corners.

I ask unanimous consent to print in the RECORD a recent Wall Street Journal article discussing the growing support for stronger protections against wrongful executions.

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

**DESPITE McVEIGH CASE, CURBS ON EXECUTIONS ARE GAINING SUPPORT**

(John Harwood)

WASHINGTON.—Americans last year elected an anti-death penalty candidate to the White House. And they’re reappraising the resumption of federal executions next month, when mass murderer Timothy McVeigh is scheduled to die by lethal injection.

Yet, paradoxically, the dawn of George W. Bush’s presidency is bringing a swing in the pendulum away from America. Though most Americans continue to back capital punishment, support has been dropping in recent years in tandem with declines in the rates of violent crime. Advances in DNA testing and scandals involving the prosecution of major offenses have underscored the fallibility of evidence in capital cases.

One state, Illinois, has placed a moratorium on the death penalty. Others, including Arkansas and North Carolina, have indirectly curbed its application by beefing up standards or taxpayer funds for the representation of indigent defendants. The number of people annually sentenced to death in the U.S. has fallen in three of the last four years by which statistics reach back to 1976, in 1999, since peaking at 319 in 1994 and 1995.

Just last week, the Texas House voted to create the state’s first standards for court-appointed lawyers. The Texas Senate had already passed similar legislation. The Supreme Court this fall is scheduled to revisit whether to bar the execution of mentally retarded inmates. In the Republican-controlled Congress, support is building for stronger protections against the execution of defendants who may be innocent.

**SHIFT IN OKLAHOMA**

The pendulum swing is occurring even in Oklahoma City, where Mr. McVeigh bombed the Alfred P. Murrah Federal Building six years ago, killing 168 and wounding thousands. The new documents that the FBI discovered may have no bearing on McVeigh’s guilt or sentence, but that does not excuse the FBI’s initial oversight in failing to produce them.
Acting upon their conviction, the district court sentenced both defendants to life imprisonment without the possibility of parole.

The defendants are serving their sentences at the Arizona State Prison Complex in Florence. The facility is located approximately 60 miles southeast of Phoenix, Arizona. The prison complex has a capacity of 2,500 prisoners, and currently houses a mix of general population inmates and those serving life sentences without parole.

Inmates at the prison are housed in various types of accommodations, including single cells, double cells, and larger living units. The facility offers a range of programs and services aimed at rehabilitation and reintegration, including educational opportunities, vocational training, and substance abuse treatment programs.

The defendants were found guilty of two counts of first-degree murder, after a jury trial. They were convicted of murdering two young children in the course of a home invasion robbery. The case received widespread media coverage and generated significant public interest.

The defendants' appeals process has been ongoing, with multiple appeals filed and arguments heard by various courts. The case has sparked discussions about sentencing policies and the potential for reparation and rehabilitation within the criminal justice system.

In conclusion, the case is an example of the complexities involved in adjudicating capital cases in the United States and the importance of fair and just procedures. As the appeal process continues, stakeholders are urged to remain vigilant in advocating for fair treatment and due process for all involved.

**Note:** The information provided is based on publicly available records and media reports at the time of writing. For the most accurate and up-to-date information, please refer to official court documents and news sources.
sought 26 death sentences and obtained only one.

Doubts about the validity of some prosecution evidence—sown most recently by the scandal involving alleged flaws in the work of Oklahoma City police chemist Joyce Gilchrist—may have also made juries more reluctant to impose the death penalty in the state. Three weeks ago, they sentenced Dew Edmondson, whose office is reviewing the cases of all 121 death-row inmates in the state to see if additional DNA testing is called for, has declined to set an execution date for any of the 12 against whom Ms. Gilchrist had testified. Ms. Gilchrist, who was suspended by the Oklahoma City police department in March and now faces a state investigation of her work, said in an interview, "I stand by my testimony."

Republican Gov. Keating says further steps are needed. He proposes a higher standard of proof—"moral certainty"—of guilt—for capital cases, instead of the families absence-of-reasonable-doubt standard used in criminal trials. "The people now expect moral certainty," says Mr. Keating. "No system can survive if it's fallible."

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator Jeffords 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 August 19, 2000, in San Francisco, California. Two men were arrested on charges of stalking, assaulting and robbing men in gay bars in what police say was a "brazen, bicoastal crime spree that included four robberies in Maine and vicious attacks on gays."

Including slashing one victim's throat, in California. The perpetrators were arrested after a bouncer at a gay bar recognized their distinctive Boston accents after reading about them in a warning flier distributed by police.

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.

TWO-YEAR ANNIVERSARY OF THE BELLEHEIM WASHINGTON PIPELINE EXPLOSION

Mrs. MURRAY. Madam President, on June 10th families in Bellingham, WA and others throughout the nation still mark the 2-year anniversary of a pipeline explosion that killed three young people.

That tragic explosion changed three families forever. It shattered a community's sense of security. It showed us the dangers posed by uninspected oil and gas pipelines. That disaster in Bellingham led me to learn about pipeline safety, to testify before Congress, to introduce the first pipeline safety bill of the 106th Congress, and ultimately to pass legislation in the Senate in September 2000 and again in February of this year.

The Senate has done its job. Twice the Senate passed the strongest pipeline safety measures to ever pass either chamber of Congress. Now it's time for the House and President Bush to do their part.

The bill passed in the Senate is a major step forward. It isn't everything everyone could want, but it is a significant move in the right direction. Specifically, the bill: Improves the Qualification and Training of Pipeline Personnel, Improves Pipeline Inspection and Prevention Practices, Requires internal inspection at least once every five years, Expands the Public's Right to Know about Pipeline Hazards, Raises the Penalties for Safety Violators, Improves the Administration, and Increases Funding for Safety Efforts by $13 billion.

Here we are, 2 years after that disaster in Bellingham, the legislation we've passed in the Senate still hasn't become law. That is inexcusable. The Bush Administration just issued an energy plan that calls for 36,000 new miles of pipeline. As I told the Vice President in a letter recently, before we build thousands of miles of pipelines through our backyards, our neighborhoods and our communities, we must make sure those pipelines are safe.

Unfortunately, the President's energy plan offered some rhetoric about pipeline safety, but no clear progress. I believe he missed an opportunity to articulate the Administration's specific proposals to make pipelines safer. I hope President Bush will agree that we shouldn't replace our current energy crisis with a pipeline safety crisis.

Let me offer three ways President Bush can show his commitment to public safety. The first one is simple. We should make pipelines safer. Comprehensive new legislation which has passed the Senate and is pending in the House should represent the new minimum of safety standards. President Bush should not send us a proposal that is less stringent than this bill.

President Bush should not undo the progress we made last year. And I hope he'll show a sensitivity to safety and environmental concerns that have been absent from his discussions on this issue to date.

Second, President Bush should signal his support of pipeline safety legislation, which I hope will ultimately take the form of him signing a bill into law. Finally, Secretary of Transportation should continue to issue administrative rules to make pipelines safer. The Clinton administration took several important administrative steps. I hope the Bush administration will show the same level of commitment.

We do need to address our energy needs, but not at the expense of our safety. Let's make pipelines safe first, before we lay down more pipelines.

If we learned anything last year, it's that we must not wait for another tragedy to force us to act. We must pass a comprehensive pipeline safety bill this year.

In the coming weeks and months, as a member of Senate Transportation Appropriations Subcommittee, I will continue to do everything I can to improve pipeline safety by making sure that pipeline regulators have the resources they need to do their jobs effectively.

I know that we can't undo what happened in Bellingham, but we can take the lessons from the Bellingham tragedy and put them into law so that families will know the pipelines near their homes are safe. Two years after the Bellingham disaster they deserve nothing less.

NATIONAL CORRECTION OFFICERS AND EMPLOYEES WEEK

Mr. HUTCHINSON. Madam President, I am proud to rise today as an original cosponsor of Senator Jeffords' and Senator Feinstein's resolution designating this week as "National Correction Officers and Employees Week." I commend them for their efforts to honor the 200,000 men and women who work in our Federal and State correctional institutions. Too often American citizens overlook the importance of these men and women who must work with society's most hardened and dangerous criminals under difficult circumstances.

Today, I want them to know how much I admire and appreciate them for their willingness to face danger daily as they work to enforce our Nation's laws and ensure the safety of all American citizens. At this time, I also offer my condolences to the families and friends of the 11 correctional officers who died in the line of duty last year. I am deeply appreciative of their sacrifices and am sorry for their loss.

TAIWAN PRESIDENT CHEN SHUI-BIAN'S HISTORIC VISIT

Mr. ALLEN. Madam President, as President Chen Shui-bian of the Republic of China on Taiwan made his historic visit to the United States last month, it would be instructive to follow him on his leadership and vision for Taiwan. President Chen became the second democratically-elected President in Chinese history little over one year ago, and his election was certainly a milestone in Taiwan's continued adherence to democracy and freedom.

I believe that President Chen's historic visit deserves the notice and respect of the U.S. Senate. Congress has long supported democratic development around the world and Taiwan is no exception. Taiwan today is a notable model of rapid and successful democratic reform, as well as an important
trading partner of the United States, having maintained amicable ties with our Nation for decades. What may also not be known is that Taiwan imports over 1.6 times as many goods from the United States as does the People’s Republic of China. Taiwan is a vital economic partner of the United States.

Taiwan’s economy offers its people one of the highest standards of living in Asia, including universal education, excellent medical care, and a well-developed welfare state. Moreover, Taiwan’s Constitution is exemplary, guaranteeing full political freedoms and basic human rights to all citizens. As Taiwan continues its democratic development, President Chen and the people of Taiwan deserve our most sincere praise for their exemplary adherence to individual liberty and freedom.

In the future, Taiwan’s continued achievements and development will reinforce its regional position and strengthen the friendly relationship between our two countries.

Mr. LEAHY. Mr. President. I rise today to talk about a unique education program nestled in the hills of Burlington, VT. Champlain College is one of the many higher education institutions in the State and it has distinguished itself as a leader in career-oriented education. Under the leadership of President Roger Perry, Champlain College provides its students with innovative distance learning and workforce development programs to build the skills of Vermonters. While I have long known of the quality offerings of Champlain College, I was very pleased to see a story in the Los Angeles Times recently about one program in particular that serves single parents on welfare who want to earn a college degree.

With the recent reform by the Federal Government of our Nation’s welfare system, many individuals are seeking training that can lead to better jobs and ultimately to increased wages. In response to this growing need, an 11-year-old program at Champlain College aimed at moving single parents off welfare is receiving attention nationwide. The impressive statistics from this public-private partnership clearly indicate its success—less than 10 percent of those participating in the program drop out; most in the program earn a 2-year associate degree; and, many even go on to receive a 4-year bachelor’s degree. According to President Roger Perry, more than 90 percent of the single parents who graduate from this program have not returned to the welfare program. This program is helping single parents break the welfare cycle and show their children how valuable getting a college degree as a step toward supporting themselves and their family. Its success also renews Champlain College’s role in Vermont as a leader in career-oriented education. I commend President Roger Perry, the faculty and staff, and especially the students for continuing to make Champlain College a model for quality higher education.

I ask unanimous consent that the following article from the May 13, 2001 issue of the Los Angeles Times be printed in the RECORD.

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

(From the Los Angeles Times, May 13, 2001)

(BY ELIZABETH MEHREN)

VT. COLLEGE SINGLES OUT PARENTS EDUCATION: UNIQUE CURRICULUM THAT HELPS WELFARE MOTHERS GET JOB TRAINING HAS BPOSITIVE IMPACT

BURLINGTON, Vt.—What galls Dulcie Christian is when her Champlain College classmates say they didn’t get their papers done because they were out drinking all night.

“I think, well, I was up all night with two sick kids and I did get mine done,” Christian said. “Just a few more pages.”

As a participant in an unusual state-supported college program geared to move single parents off welfare, Christian, 33, is aware of how her situation stands out from the conventional undergraduate path. There’s no room for wild parties. And instead of spring breaks in Jamaica, Christian uses time off to work and attend workshops at the local Social Security office. Her old Subaru just better hold itself together, because there’s no deep-pockets daddy to bail her out. More than once, in a pinch, Christian has brought Justin, 9, or Shelby, 5, to class with her.

FEWER THAN 10% DROP OUT

For Christian and the 60 or so other single parents enrolled at Champlain this semester, the challenges are immense. And yet, said program director Carol Moran-Brown, “The retention rate for these single parents is higher than the school average. You wouldn’t believe the motivation.”

With federal welfare reform providing an impetus for recipients to train for better jobs, the 11-year-old program at this private college has emulated the state model. Typically, college officials say, fewer than 10 percent of these students drop out; most in the program earn a two-year associate of arts degree and a minimum of a bachelor’s degree. More than 90 percent of the single-parent graduates have not returned to welfare roles, said Champlain College President Roger H. Perry.

Those are strong indicators, Perry said, that the program is achieving its goal of helping to shatter the cycle of single parents living off government assistance.

State money pays the salaries of Champlain’s two full-time social workers devoted to sensorially always, helping women, through the occasional single dad enrolls. State subsidies also fund the day care that enables these parents to take classes at the 1,400-student campus. The program is labor intensive, with workshops and weekly social hours at which single parents trade everything from outgrown snowsuits to names of kid-friendly provocateurs.

For a group often made up of first-generation college students, social workers focus on time and stress management, as well as college-level courses. For single parents, job shops are often meet daily, discussing what’s going on academically—and also addressing such outside issues as abusive boyfriends, nasty landlords and sick kids. It’s a big topic, as many single parents struggle to get by on welfare payments while attending the four-year college. When it all becomes too much, “that’s when I show up at their door, saying, ‘I’m concerned about you, what’s going on? Can I lend a hand?’” social worker Felicia Messuri said.

Champlain is a career-oriented school where most students easily step into jobs upon graduation. But Moran-Brown said the new placement of the parent program stands out. A state study is underway to determine how well the single-parent graduates do over time—and how their experience compares to single parents who do not finish college.

Last year, Champlain received $60,000 in state money to run the program. An experiment seven years ago allowing Vermont to use special support funds for the single-parent college program expires in June. Eager to continue the program, the state’s Legislature passed a measure allowing the state’s social welfare agency—Prevention, Assistance, Training and Health Access—to allocate discretionary funds for single-parent college programs.

At Champlain, single-parent students pay full $10,000-a-year tuition. But they are eligible for grants and loans. Under state rules, welfare checks are not paid to students who also hold down jobs.

When state supplements for transport and counselors’ caseworker salaries are factored in, each single-parent college student costs about $400 per year above the normal welfare allotment, Moran-Brown said: “It’s cheaper than half that.”

PARENTS AND KIDS DO HOMEWORK TOGETHER

In Vermont, an unemployed single parent with one child usually receives about $557 each month, she said. Noting that the endeavor benefits the state and taxpayers alike, PARENT’s deputy commissioner, Sandy Dooley, said her office views the single-parent college program as “a work-force development strategy” that could be replicated elsewhere.

For 23-year-old Cindy Sarault, it was dissatisfaction with a $5.65-an-hour job as a grocery clerk that pushed her to study accounting at Champlain. Now she and her 5-year-old daughter, Brooke, often do homework together.

Like Sarault, classmate Heidi McMann, 21, got pregnant as a high school senior. After two years as a low-wage office assistant, McMann signed on at Champlain to study computer networking.

“Partly it was about getting somewhere in life, so I could get a decent job,” she said. “But also I wanted Taylor, my daughter, to learn from me, not just see me living in dead-end, low-wage positions forever.”

Only a few miles from campus, in the small apartment she shares with her two children, Christian agreed that a big payoff is “setting an example of how important school is.”

As the first member of her family to graduate from high school, Christian said it was perhaps more important than earning a GED. She said that after juggling school, a job and kids, she is unfazed by the prospect of paying off college debt of at least $20,000.

Like Sarault, McMann got pregnant. She said that after juggling school, a job and kids, she is unfazed by the prospect of paying off college debt of at least $20,000.
the money is short and your temper is short because you're worrying about the money, and the kids have problems at school and you have problems at school. You just want to crawl off somewhere. But you can't.

"I do think I'm breaking the cycle."

At school, Christian said, she talks about her kids constantly. At home, she talks about school. Better yet, her kids see her hunkering down with a book, and it makes them want to do the same. When they complain that they don't like a teacher, Christian says, guess what, she doesn't like all her professors either. Then they all do their homework together.

"So I do think I'm breaking the cycle," Christian said. "It feels great."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 6, 2001, the Federal debt stood at $5,669,404,114,473.96, five trillion, six hundred sixty-nine billion, four hundred four million, one hundred fourteen thousand, four hundred seventy-three dollars and ninety-six cents. One year ago, June 6, 2000, the Federal debt stood at $5,614,714,000,000, five trillion, six hundred fourteen billion, seven hundred million.

Five years ago, June 6, 1996, the Federal debt stood at $5,139,284,000,000, five trillion, one hundred thirty-nine billion, two hundred eighty-four million. Ten years ago, June 6, 1991, the Federal debt stood at $3,941,333,000,000, three trillion, nine hundred forty-one billion, three hundred thirty-three million.

Fifteen years ago, June 6, 1986, the Federal debt stood at $2,052,917,000,000, two trillion, fifty-two billion, nine hundred seventeen million, which reflects a debt increase of more than $3.5 trillion, $3,616,487,114,473.96, three trillion, six hundred sixteen billion, four hundred eighty-seven million, one hundred fourteen thousand, four hundred seventy-three dollars and sixty-six cents during the past 15 years.

ADDITIONAL STATEMENTS

POLSON HIGH SCHOOL "WE THE PEOPLE" GROUP

- Mr. BAUCUS. Mr. President, on April 21–23, 2001 more than 1200 students from across the country came to Washington, D.C. to compete in the national finals of the "We the People . . . The Citizen and the Constitution program." I am proud to announce that one of the classes that competed was from Polson High School in Polson, MT.


I would also like to recognize, their teacher, Bob Hislop. Bob brings students to the national competition almost every year; his efforts have been a major asset to Polson High School and the State of Montana.

For the students involved, the national competition is the culmination of months spent studying the Constitution. It lasted three days, and was modeled after a Congressional hearing. Students were the "witnesses," and they made oral presentations before a panel of judges.

Afterwards, the judges asked questions designed to probe each competitor's knowledge of several different Constitution-related categories.

In addition, the Polson High group got an opportunity to meet members of Congress and visit sites of historic and cultural significance in Washington, D.C. The competition may have been the highlight, but for most students the trip itself was an educational and exciting experience.

The "We the People" program is directed by the Center for Civic Education, and it has been extremely successful. Several studies show that students who participate in We the People are substantially better informed about American Politics than those who do not. They are also more likely to register to vote, be more confident in their rights as citizens, and be more tolerant of other's viewpoints.

Let me again congratulate the Polson High group for their hard work. Montana is proud of them.

J. WESLEY WATKINS III

- Mr. COCHRAN. Mr. President, it is with a feeling of deep regret that I bring to the attention of the Senate the death of my friend, J. Wesley Watkins. He died on Monday, June 4, 2001, at George Washington University Hospital. He had cancer.

At his death, Mr. Watkins was a senior fellow at the Center for Policy Alternatives and founding director of the Flemming Fellows Leadership Institute, a program that assists state lawmakers and state legislative aides as family and medical leave, community reinvestment and motor-voter registration.

He was a former director of the American Civil Liberties Union of the National Capital Area, a Washington-based southern regional manager of Common Cause and a management consultant to various nonprofit organizations.

In the late 1960's and the 1970's, he had a private law practice in Greenville, Miss. His cases included winning the right for African American leaders to speak to on-campus gatherings at previously all-white universities; the seating of a biracial Mississippi delegation at the 1968 Democratic National Convention and removal of various barriers and impediments to voting.

Mr. Watkins, a resident of Washington, was born in Greenville and grew up in Inverness, Miss. He attended the U.S. Naval Academy, graduated from the University of Mississippi, and served in the Navy for the Loyal Democratic Party of Mississippi. In the years after 1968, Mr. Watkins held negotiations with Mississippi's Old Guard Democrats that led to a unified Democratic Party by the national convention of 1976.

Mr. Watkins was a Justice Department lawyer and tried cases throughout the South. In 1967, he returned to Greenville as a partner in the law firm of Wynn and Watkins. Until 1975, he was the attorney for the Loyal Democrats, the movement to establish a biracial Democratic Party in a state where black residents had been effectively excluded from the political process for generations. The loyalists were seated at the Democratic National Convention in Chicago as the official Democratic Party of Mississippi. In the years after 1975, Mr. Watkins held negotiations with Mississippi's Old Guard Democrats that led to a unified Democratic Party by the national convention of 1976.

Mr. Watkins was a former director of the American Civil Liberties Union of the National Capital Area, a Washington-based lawyer who specialized in civil rights, and served in the Navy for the Loyal Democratic Party Foundation in Miami.

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Delta Head Start, and most recently he was a board member of Planned Parenthood of Metropolitan Washington.

He was a former vestryman and a teacher in the Youth Education program of St. Mark’s Episcopal Church in Washington.

His marriage to Jane Magruder Watkins ended in divorce.

Survivors include his companion, Anita F. Gottlieb of Washington; two children, Gordon Watkins of Parthenon, Ark., and Laurin Wittig of Williamsburg, Va.; two sisters, Mollye Lester of Inverness and Ann Stevens of New-ark; a brother, William S. Watkins of Alex- andria; and four grandchildren.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 37. An act to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.

H.R. 640. An act to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

H.R. 1000. An act to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize and exchange of land in connection with the historic site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1209. An act to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes; to the Committee on the Judiciary.

H.R. 1581. An act to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Commerce, Science, and Transportation.

H.R. 1699. An act to authorize appropriations for the Coast Guard for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress regarding National Peace Officers’ Remembrance Day; to the Committee on the Judiciary.

H. Con. Res. 100. Concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation’s missing, kidnapped, and runaway children; to the Committee on the Judiciary.

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress that Erik Weihenmayer’s achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities; to the Committee on Health, Education, Labor, and Pensions.

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 of nonrefundable personal 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 purpose.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 37. An act to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; to the Committee on Energy and Natural Resources.

H.R. 640. An act to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1000. An act to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize and exchange of land in connection with the historic site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1209. An act to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes; to the Committee on the Judiciary.

H.R. 1581. An act to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Commerce, Science, and Transportation.

H.R. 1699. An act to authorize appropriations for the Coast Guard for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress regarding National Peace Officers’ Remembrance Day; to the Committee on the Judiciary.

H. Con. Res. 100. Concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation’s missing, kidnapped, and runaway children; to the Committee on the Judiciary.

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress that Erik Weihenmayer’s achievement of becoming the first blind person to climb Mount Everest demonstrates the abilities and potential of all blind people and other individuals with disabilities; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and ordered to the calendar:

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 tax credit; and to provide nonrefundable personal credits against regular and minimum tax liability.

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-2230. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Alliance, Imperial, NE; Limon, Parker, Aspen, Avon, Wellington, CO)” received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2232. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McKinleyville, California)” received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2233. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Young Harris, Georgia)” received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2234. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Young Harris, Georgia)” received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.
the Committee on Commerce, Science, and Transportation.

EC-2235. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charlolet and Duquesne, Pennsylvania)” (Doc. Nos. 01-26) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2237. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Patterson, Georgia)” (Doc. No. 01-26) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2238. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Willow, TN)” (Doc. Nos. 00-96; 00-99) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2240. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Laurie, Missouri)” (Doc. Nos. 97-96) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2241. A communication from the Acting Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Procedures for Implementation of the Fasteners Quality Act” (RIN0693-AK50) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2242. A communication from the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Im-

prove Individual Fishing Quota Program” (RIN0648-AK50) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2243. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a revision of the “Brake Testing Procedures” (RIN2127-AH84) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2245. 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 Hydraulics Systems Airworthiness Standards To Harmonize with European Airworthiness Standards for Turboprop Aircraft” (RIN3129-AF79)(2001-0001) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2246. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Interior Trunk Release” (RIN2127-AH85) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2247. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Power Brake Regulations: Freight Power Brake Revisions—Delay of Compliance Date” (RIN2303-AB16)(2001-0003) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2248. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment to the FHWA’s Revised Landing Gear Shock Absorption Test Requirements” (RIN2120-AG72) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2249. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of the FM Radio Broadcast Stations Rules; to Enable the Commission to Regulate the Power Handling Capacity of Satellite Earth Stations” (RIN2127-AH87) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2250. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Intergovernmental and Recreational Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Coastal Fisheries Cooperative Management Act Provisions; Horseshoe Crab; Closed Area” (RIN0648-AO06) received on June 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2251. A communication from the Acting Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “National Voluntary Laboratory Accreditation Program: Operating Procedures” (RIN0693-ZA39) received on June 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2252. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Im-

prove Individual Fishing Quota Program” (RIN0648-AK50) received on May 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2254. A communication from the Acting Chair of the Committee on Intergovernmental and Recreational Fisheries, Department of Commerce, Science, and Transportation.

EC-2255. A communication from the Deputy Director, Enforcement Policy, Wage and Hour Division, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Nondisplacement of Qualified Workers Under Certain Contracts; Recision of Regulations Pursuant to Executive Order 13204” received on June 4, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-2256. A communication from the Federal Register Liaison Officer, Office of the Assistant Secretary of the Army, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Report on the Use of Employees of Non-Federal Entities to Provide Services to the Department of the Army” received on June 5, 2001; to the Committee on Armed Services.

EC-2257. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-2258. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Olives Grown in California; Increased Assessment Rate” (Doc. No. FV01-985-1 FR) received on June 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2259. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Amendment to the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Priorities and Allocations” (48 CFR Part 1811) received on June 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2260. A communication from the Acting Chair of the Committee on Intergovernmental and Recreational Fisheries, Department of Commerce, Science, and Transportation.

EC-2261. A communication from the Acting Chair of the Committee on Intergovernmental and Recreational Fisheries, Department of Commerce, Science, and Transportation.

EC-2262. A communication from the Chief of the Regulatory Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Change in Definition of Compensation to Reflect 120(f) Salary Reduction” (Notice 2001-37) received on June 5, 2001; to the Committee on Finance.

EC-2263. 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 “Captive Insurance Companies” (Rev. Rul. 2001-31) received on June 5, 2001; to the Committee on Finance.

EC-2264. A communication from the Chief of the Regulatory Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Priorities and Allocations” (48 CFR Part 1811) received on June 1, 2001; to the Committee on Commerce, Science, and Transportation.
EC-2265. A communication from the Chief of the Office of Airports, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Approval and Promulgation of Air Quality Impact Site Plan; Montana’’ (FRL6991-1) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2266. 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 Impact Site Plans; Montana; Emergency Episode Avoidance Plan and Cascade County Open Burning Rule’’ (FRL6991-1) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2267. 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’’ (FRL6990-1) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2268. 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; Minnesota’’ (FRL6991-1) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2269. 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; Ohio’’ (FRL6991-9) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2270. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘National Primary Drinking Water Regulations: Filter Backwash Recycling Rule’’ (FRL6989-5) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2271. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Revisions to the California State Implementation Plan for the Marine Layer Air Quality Control District’’ (FRL6989-9) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2272. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 14, 1978’’ (FRL6989-2) received on June 6, 2001; to the Committee on Environment and Public Works.

EC-2273. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ‘‘Safety/Security Zone Regulations: San Juan Harbor; San Juan, Puerto Rico’’ ((RIN2115-AA97)(2000-0008)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2274. 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 ‘‘Regatta Regulations; SLR; South Carolina Aquarim Grand Opening Fireworks Display, Charleston Harbor, Charleston, SC’’ ((RIN2115-AA14)(2001-0010)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2275. 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; IB 909 Barge Conducting Outfall Pipe Construction in Massachusetts Bay’’ ((RIN2115-AA97)(2000-0005)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2276. A communication from the Principal Deputy Administrator 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; Pier, Lake Michigan, Chicago Harbor, IL’’ ((RIN2115-AA97)(2000-0055)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2277. 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 ‘‘Naval Reserve Station, Pier, Lake Michigan, Chicago Harbor, IL’’ ((RIN2115-AA97)(2000-0055)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2278. 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; Oil Spill Cleanup Zone; Middletown, Rhode Island’’ ((RIN2115-AA97)(2000-0055)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2279. 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 ‘‘Drowbridge Regulations; Atlantic Intercoastal Waterway, Miami, Dade County, FL’’ ((RIN2115-AA97)(2001-0005)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2280. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Flight Crewmember Flight Time Limitations and Rest Requirements; Notice of Enforcement Policy: Correction’’ ((RIN2120-ZZ25)(2001-0092)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2281. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Airworthiness Directives: Boeing Model 737-200 and 3 Series Airplanes’’ ((RIN2120-AA64)(2001-0253)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2282. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Airworthiness Directives: Boeing Model 737-200 and 3 Series Airplanes Equipped with Cargo Doors Installed in Accordance with STC SA 29869.A’’ ((RIN2120-AA64)(2001-0253)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2283. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Airworthiness Directives: Boeing Model 737-200, 300, 300F Series Airplanes Equipped with Cargo Doors’’ ((RIN2120-AA64)(2001-0253)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2284. 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 AE46 (2001-0023)’’ received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2285. 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: GE Engines CJ610 Series Turbojet and CF700 Turbofan Engines’’ ((RIN2120-AA64)(2001-0253)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2286. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘‘Review of the Commission’s Regulations Governing Telecommunications Broadcasters’’ ((RIN2120-AA64)(2001-0253)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2287. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ‘‘Review of the Commission’s Regulations Governing Telecommunications Broadcasters’’ ((RIN2120-AA64)(2001-0253)) received on June 5, 2001; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-77. A resolution adopted by the Board of Commissioners of the Village of East Rockaway, New York relative to Project Impact; to the Committee on Appropriations.

POM-78. A joint resolution adopted by the Town Council and School Committee of Kittary, Maine relative to the education of children with disabilities; to the Committee on Appropriations.

POM-79. A resolution adopted by the City Council of Prosser, Washington relative to energy; to the Committee on Energy and Natural Resources.

POM-80. A resolution adopted by the City Commission of Hollywood, Florida relative to Beach Erosion Control Projects; to the Committee on Environment and Public Works.

POM-81. A resolution adopted by the City Council of Brook Park, Ohio relative to the Badge of Military Merit; to the Committee on Veterans Affairs.

HJRES CONCURRENT RESOLUTION No. 5

Whereas, the original Purple Heart, designated as the Badge of Military Merit, was established by General George Washington on August 7, 1782, during the Revolutionary War.
War, when he wrote, ‘‘Whenever any singu-
larly meritorious action is performed, the author of it shall be permitted to wear on his
facing over the left breast, the figure of a
heart in purple cloth of silk, edged with nar-
row lace or binding. Not only instances of
unnatural gallantry, but also of extraordinary
fidelity and essential service in any way shall
be rewarded’’; and
Whereas, the Purple Heart is the oldest
military decoration in the world in present
use and the first award given to a common
soldier in the United States, is an eloquent
and forceful symbol of each man and woman
who has stepped forward in a time of national
crisis to defend the values of the United States;
and
Whereas, the Purple Heart is a combat
decoration awarded in the name of the Presi-
dent of the United States to members of the
armed forces who are wounded by an instru-
ment of war in the hands of the enemy; and
Whereas, an effort is currently underway
to petition the United States Postal Service
unto authorize the issuance of an official
United States postal stamp displaying the
image of the Purple Heart medal; and
Whereas, the Purple Heart stamp that the
United States Postal Service has issued honors
comic strips, movie monsters, and car-
toon characters but has opted not to issue a
Purple Heart stamp honoring American sol-
diers wounded in battle; and
Whereas, the Purple Heart stamp would
serve as a permanent and long-overdue honor
for the one million eight hundred thousand
recipients of the Purple Heart, half of whom
are still alive today, and to remind the na-
tion of the monumental sacrifices veterans
have made in the service and defense of the
United States of America. Therefore, be it
Resolved, That the Legislature of Louisiana
does hereby urge and request the United
States Postal Service to issue a Purple Heart
stamp honoring American soldiers wounded in
battle; and
Whereas, the Purple Heart stamp would
serve as a permanent and long-overdue honor
for the one million eight hundred thousand
recipients of the Purple Heart, half of whom
are still alive today, and to remind the na-
tion of the monumental sacrifices veterans
have made in the service and defense of the
United States of America. Therefore, be it
Resolved, That the Legislature of Louisiana
does hereby urge and request the United
States Postal Service to issue a Purple Heart
stamp to recognize the tremendous valor and fortitude displayed by wounded soldiers and to express the enduring
appreciation of the citizens of the United States of America for the sacrifices that
members of the armed forces have made in
the name of freedom. Be it further
Resolved, That suitable copies of this Reso-
lution be transmitted to the Speaker of the
United States House of Representatives; the
President of the United States; President-
James Tolbert, Jr., Executive Director of
Stap Services for the United States Postal
Service; and The Honorable William J. Hen-
derson, Jr., District and Charter Com-
tis of the United States Postal
Service.

POM-83. A concurrent resolution adopted by
the House of the Legislature of the State of
Louisiana relative to the Railroad Retire-
ment and Survivor’s Improvement Act of 2001;
and

HOUSE CONCURRENT RESOLUTION No. 7
Whereas, the Railroad Retirement and Sur-
vivor’s Improvement Act was approved in a
bipartisan effort by three hundred ninety-
one members of the United States House of
Representatives in the 106th Congress, includ-
ing every member of the Louisiana delega-
tion; and
Whereas, more than eighty United States
senators, including both Louisiana senators,
signed letters of support for this legislation in
2000, but despite strong support for the Rail-
road Retirement and Survivor’s Improve-
ment Act of 2000, the legislation did not
become law as the Senate did not vote on it
before adjournment; and
Whereas, the Railroad Retirement and Sur-
vivor’s Improvement Act of 2001, authored by
Don Young, Chairman of the House Com-
mitee on Transportation and Infrastruc-
ture, provides for the modernization of the
railroad retirement system for its seven hun-
dred forty-eight thousand beneficiaries na-
tionwide, including the thousand four hun-
dred people in Louisiana; and
Whereas, railroad management, labor, and
retiree organizations have agreed to support
the House Resolution to the Railroad and Survivor’s
Improvement Act of 2001; and

WHEREAS, the Railroad Retirement and Sur-
vivor’s Improvement Act of 2001 does hereby
urge and request the United States Congress
to support federal legislation to strengthen the
rules regarding the safety of natural gas and liquids pipeline operations. Be it further
Resolved, That the Louisiana Legislature
does hereby memorialize the United States
Congress to support federal legislation to
strengthen the rules regarding the safety of
natural gas and liquids pipeline operations. Be it
further
Resolved, That a copy of this Resolution be
transmitted to the president of the United
States Senate and to each member of the United
States Congress.

POM-86. A resolution adopted by the Sen-
eate of the Legislature of the State of Georgia
relative to agricultural equipment; to the
Committee on Commerce, Science, and
Transportation.

SENATE RESOLUTION 193
Whereas, water well drilling contractors are
extremely small construction contractors
who drill water wells for individuals, cities,
counties, industry, and farmers; and
Whereas, federal law requires all persons
operating vehicles in excess of 26,000 pounds
transporting property or people to have a
commercial driver’s license; and
Whereas, these contractors rarely travel ac-
cross state boundaries; and
Whereas, the requirements of the commer-
cial driver’s license statute are extremely
difficult to pass; and
Whereas, it is a tremendous burden on
these small businesses to find, hire, and pay
employees who have a commercial driver’s
license; and
Whereas, this act is primarily for the com-
mon or contractor carrier; and
Whereas, agricultural vehicles are exempt
from the commercial driver’s license statute;
and
Whereas, these contractors rarely travel more than 150 miles from their
home office, which is one of the criteria
of agricultural vehicles contained in the com-
cmercial driver’s license statute; and
Whereas, these contractors rarely travel across state boundaries; and

WHEREAS, the requirements of the commer-
cial driver’s license statute are extremely
difficult to pass; and

Whereas, it is a tremendous burden on
these small businesses to find, hire, and pay
employees who have a commercial driver’s
license; and

WHEREAS, the requirements of the commer-
cial driver’s license statute are extremely
difficult to pass; and

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cial driver’s license statute are extremely
difficult to pass; and

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cial driver’s license statute are extremely
difficult to pass; and

WHEREAS, the requirements of the commer-
cial driver’s license statute are extremely
difficult to pass; and

WHEREAS, the requirements of the commer-
cial driver’s license statute are extremely
difficult to pass; and

Resolved by the Senate

Resolved, That the Secretary of the Senate is
authorized and directed to transmit appro-
appropriate copies of this resolution to the Clerk

Resolved, That the Secretary of the Senate
is authorized and directed to transmit appro-
appropriate copies of this resolution to the Clerk
of the United States House of Representatives and the Secretary of the United States Senate.

POM-87. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to special education and children with disabilities; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION 97
Whereas, the Individuals with Disabilities Education Act (IDEA) passed by the United States Congress, finds that disability is a natural part of the human experience and does not take away or minimize the right of those individuals to participate in, or contribute to, society; and
Whereas, the Committee further found that improving educational results for disabled children is an essential part of our national policy of ensuring equal opportunity, full participation, independent living, and economic self-sufficiency for disabled individuals; and
Whereas, currently there are special education students in every school in this State and with the rising cost of special education, it is a heavy burden on Hawaii’s already financially challenged public education system; and
Whereas, the Department of Education’s January 2001 Quarterly Report on the Status of the State’s Progress in meeting the Requirements of the Felix v. Cayetano Consent Decree (DOE Quarterly Report) reported a total of 2,296 students identified for special education services, 13,146 children registered for services with the Child and Adolescent Mental Health Division (CAMHD), and 1,962 children identified for zero-to-three related mental health services; and
Whereas, the DOE Quarterly Report further reported that $154,985,456 appropriated to the Department of Education for the 2000-2001 school year, $75,838,006 already was expended by December 31, 2000, and of the $102,227,071 appropriated to the Department of Health’s CAMHD, $76,111,621 was already expended by December 31, 2000; and
Whereas, according to the Court Monitor’s Felix Consent Decree Quarterly Status Report, August 2000 to November 2000, over the six-year period from 1994 to 2000, the number of children served by the Department of Education increased from 12,000 to 18,000, while the number provided mental health services by CAMHD increased from 1,800 to 11,000; and
Whereas, these dramatic increases have resulted in an increase in the combined mental health and special education costs by over $50 million, prompting the Court Monitor to note that “[n]o other state or school district in the United States of America has undergone such expansion and dramatic redesign in six years”;
Whereas, despite earnest efforts to control the Felix program costs, and the over $250 million combined appropriations to the Department of Education and Department of Health for the current fiscal year, the Governor has requested the 2001 Legislature to appropriate $107 million in emergency funds to address the cost overruns; and
Whereas, Congress in Title 20, section 1411(a) of the United States Code committed to providing up to forty percent of the cost states incur in providing special education; and
Whereas, in fiscal year 1999-2000 federal funding of the Department of Education special education has amounted to a transfer 10% of cost and has never exceeded 14% in any given year. Now, therefore, be it
Resolved, That the Legislature of the State of Hawaii, in accordance with the provisions of 2001, the House of Representatives concurring, That the Hawaii Congressional delegation is urged to coordinate efforts in the United States Congress to obtain funding for forty percent of the cost of special education and related services for children with disabilities; and be it further
Resolved, That certified copies of this Concurrent Resolution be transmitted to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, the Vice President of the United States, and the members of Hawaii’s congressional delegation.

POM-88. A concurrent resolution adopted by the Senate of the State Louisiana relative to Louisiana farmers; to the committee on appropriations.

SENATE CONCURRENT RESOLUTION 64
Whereas, many farmers in Louisiana are suffering the consequences of low prices for their commodities, illustrated by a market in which the price of soybeans is at a twenty-seven year low, the price of cotton is at a twenty-five year low, the price of wheat and corn is selling at a fourteen year low, and the price of rice is at an eight year low; and
Whereas, Louisiana farmers are trying to overcome the onslaughts of nature, characterized by a devastating drought in 2000 which made it a crucial year in which many farmers were left in financial trouble; and
Whereas, the existing federal farm bill has not adequately addressed the current circumstances and needs of farmers in Louisiana as well as farmers across the United States; and
Whereas, hopes for a widespread opening of foreign markets and the implementation of measures to stimulate commodity exports have not materialized; and
Whereas, it is estimated that $9 billion above the projected budget baseline is needed in federal farm payments this year to assist farmers if they are to survive; and
Whereas, an increase in farm payments is critical to the agriculture industry given agriculture’s vital importance to the sustenance of all people and to the economy of our state; and
Whereas, many farmers have no other choice but to rely on assistance payments to stay in business. Therefore, be it
Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to increase federal aid to Louisiana farmers. Be it further
Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the Congress of the United States.

POM-89. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to a national energy policy; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION 32
Whereas, the Louisiana ammonia industry accounts for forty percent of the domestic production of ammonia; and
Whereas, natural gas makes up ninety percent of the costs of producing ammonia; and
Whereas, in the last year alone the prices of natural gas have almost tripled and the cost of producing ammonia has risen substantially; and
Whereas, high natural gas prices led the Secretary of the United States Department of Energy to use the powers at its disposal to commission the United States Department of Energy to establish a national energy policy, which should pursue a long-term remedy to these problems by providing incentives for immediate domestic natural gas exploration and production, including opening up natural gas reserves, and reducing the prices of foreign markets and the implementation of measures to stimulate commodity exports have not materialized; and
Whereas, hopes for a widespread opening of foreign markets and the implementation of measures to stimulate commodity exports have not materialized; and
Whereas, it is estimated that $9 billion above the projected budget baseline is needed in federal farm payments this year to assist farmers if they are to survive; and
Whereas, an increase in farm payments is critical to the agriculture industry given agriculture’s vital importance to the sustenance of all people and to the economy of our state; and
Whereas, many farmers have no other choice but to rely on assistance payments to stay in business. Therefore, be it
Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to increase federal aid to Louisiana farmers. Be it further
Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the Congress of the United States.

POM-90. A resolution adopted by the Legislature of Guam relative to the Tax Relief Proposal; ordered to lie on the table.

RESOLUTION 66
Whereas, Federal taxes are the highest they have ever been during peacetime; and
Whereas, all taxpayes should be allowed to keep more of their own money; and
Whereas, the best way to encourage economic growth is to cut marginal tax rates across all tax brackets; and
Whereas, under current tax law, low income workers can pay the highest marginal tax rates; and
Whereas, the American people have not received any real tax relief in a generation; and
Whereas, President George W. Bush’s Tax Relief Plan will increase access to the middle class for hard-working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and
Whereas, under President Bush’s Tax Relief Plan, the largest percentage reductions will go to the lowest income earners; now therefore, be it
Resolved, That I Mina'Bente Saias Na Nhelsiaturan Guahan does hereby, on behalf of the people of Guam, urge our elected representatives in the United States Congress, including Guam’s Delegate to the U.S. Congress, to support and pass the Tax Relief Plan introduced by President George W. Bush, which includes an across-the-board reduction in marginal rates, eliminates the “death tax” and reduces the marriage penalty; and be it further
Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable George W. Bush, President of the United States of America; to the Honorable Richard Cheney, President, United States Senate; to the Honorable J. Dennis Hastert, Speaker, United States House of Representatives; to the Honorable Robert A. Underwood, Guam’s Delegate to the United States House of Representatives; and to the Honorable Carl T. Gutierrez, I Maga Tahan Guahan (Governor of Guam).

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. SCHUMER (for himself, Mr. SMITH of Oregon, Mr. AKAKA, Mr. ALBARD, Mr. ALLEN, Mr. BAYH, Mr. BENN, Mr. BINGAMAN, Mr. BOXER, Mr. BRANCA, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNARVON, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DUKAKIS, Mr. DURBIN, Mr. EDWARDS, Mr. ENSON, Mrs. FEINSTEIN, Mr. Frist, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREIG, Mr. HARKIN, Mr. HATCH, Mr. HOLLCROSS, Mr. HUTCHISON, Mr. INOUE, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. KOLI, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTZ, Mr. McCAIN, Mr. McCONNELL, Ms. MikULski, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SOWE, Mr. WARNER, Mr. TORELLI, Mr. Voinovich, Mr. WARNER, Mr. WELSTONE, Mr. WYDEN, and Mr. FITZGERALD):

S. 998. A bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself, Mr. LEVIN, and Mr. GRASSLEY):

S. 995. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information obtained from former personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ALBARD:

S. 996. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans Affairs.

By Mrs. BOXER:

S. 997. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself and Mr. FRANKOOLD):

S. 998. A bill to expand the availability of oral health services by strengthening the dental infrastructure in underserved areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. BOXER):

S. 999. A bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War; to the Committee on Armed Services.

By Mr. REED (for himself, Mr. DODD, Mr. FEINSTEIN, Mrs. MURRAY, Mr. KERRY, and Mr. CORZINE):

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide appropriations to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself, Mr. HUTCHISON, and Mr. SHELBY):

S. 1001. A bill to amend title XVIII of the Social Security Act to establish a floor on wage adjustment factors used under the medicare prospective payment system for in-patient and outpatient hospital services; to the Committee on Finance.

By Mr. STEVENS (for himself, Mrs. LINCOLN, Mr. MURkowski, Mr. BREAUX, Mr. HUTCHISON, Mr. MILLER, Mr. CRAIG, Ms. LANDRIEU, Mr. SMITH of Oregon, and Mr. CONRAD):

S. 1002. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1003. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1004. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JEFFORDS (for himself, Mr. STEVENS, Mr. KENNEDY, Mr. CLELAND, and Mr. BINGAMAN):

S. 1005. A bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. STEVENS, Mrs. FEINSTEIN, and Mr. BREAUX):

S. Con. Res. 47. A concurrent resolution recognizing the International Olympic Committee for its work to bring about understanding of individuals and different cultures, for its focus protecting the civil rights of its participants, for its rules of intolerance against discriminatory acts, and for its goal of promoting world peace through sports; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS
S. 104

At the request of Mrs. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mr. KERRY) was added as a cosponsor of S. 271, a bill to amend title XIX of the Social Security Act to provide for coverage under the medicare program for annual screening pap smear and screening pelvic exams.

S. 131

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. MURGO) was added as a cosponsor of S. 131, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of the permanent and total disability compensation from the Department of Veterans Affairs for their disability.

S. 236

At the request of Mr. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 236, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program for annual screening pap smear and screening pelvic exams.

S. 271

At the request of Mrs. FEINSTEIN, the name of the Senator from Idaho (Ms. SARBANES) was added as a cosponsor of S. 271, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicare program for such children, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of
fighting, to States in which animal fighting is lawful.

S. 349

At the request of Mr. Hutchinson, the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 351

At the request of Ms. Collins, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 481

At the request of Ms. Snowe, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 481, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 501

At the request of Mr. Graham, the name of the Senator from Arkansas (Mr. Hutchinson) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 505

At the request of Mrs. Feinstein, the names of the Senator from New Jersey (Mr. Corzine) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 505, a bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes.

S. 570

At the request of Mr. Biden, the name of the Senator from West Virginia (Mr. Byrd) was added as a cosponsor of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 573

At the request of Mr. Helms, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 573, a bill to amend title XIX of the Social Security Act to allow children enrolled in the State children's health insurance program to be eligible for coverage under the pediatric vaccine distribution program.

S. 582

At the request of Mr. Graham, the names of the Senator from Maryland (Ms. Mikulski) and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and Children's Health Insurance Programs.

S. 592

At the request of Mr. Santorum, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 672

At the request of Mrs. Feinstein, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens “age-out” while awaiting immigration processing, and for other purposes.

S. 678

At the request of Mr. Bond, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 678, a bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes.

S. 739

At the request of Mr. Smith of New Hampshire, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 739, a bill to amend the Voting Rights Act of 1965 to protect the voting rights of members of the Armed Forces.

S. 739

At the request of Mr. Wellstone, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 739, a bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

S. 801

At the request of Mr. Jeffords, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 803

At the request of Mr. Lieberman, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S. 803, a bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Information Technology to enhance citizen access to Government information and services, and for other purposes.

S. 836

At the request of Mr. Craig, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 852

At the request of Mrs. Feinstein, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 862

At the request of Mrs. Feinstein, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 896

At the request of Mr. Reid, the name of the Senator from Georgia (Mr. Miller) was added as a cosponsor of S. 896, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 897

At the request of Mr. Hutchinson, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 920

At the request of Mr. Wellstone, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 930

At the request of Mr. Rockefeller, the names of the Senator from Maryland (Ms. Mikulski) and the Senator from Ohio (Mr. DeWine) were added as cosponsors of S. 910, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 924

At the request of Mr. Biden, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 924, a bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

S. 948

At the request of Mr. Lott, the name of the Senator from Georgia (Mr. Miller) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant...
program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 955
At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 955, a bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

S. 962
At the request of the Senator from Utah (Mr. HUTCHINSON) was added as a co-sponsor of S. 962, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes.

S. 992
At the request of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 992, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes.

S. RES. 16
At the request of Mr. THURMOND, the names of the Senator from Utah (Mr. BENTLEY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as “National Airborne Day”.

S. RES. 71
At the request of Mr. HARKIN, the names of the Senator from Utah (Mr. AKARI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 92
At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. CLEARLAND) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 92, a resolution to designate the week beginning June 3, 2001, as “National Correctional Officers and Employees Week”.

S. CON. RES. 3
At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. CON. RES. 4
At the request of Mr. NICKLES, the name of the Senator from Kentucky (Mr. BURCH) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S. CON. RES. 28
At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 43
At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. BAYH) 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. 385
At the request of Mrs. CARNANAH, the names of the Senator from Montana (Mr. BAUCCUS) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of amendment No. 385.

AMENDMENT NO. 466
At the request of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Minnesota (Mr. DAYTON), the Senator from New York (Mrs. CLINTON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Carolina (Mr. CLELAND), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 466.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 466, supra.

AMENDMENT NO. 540
At the request of Mrs. HUTCHINSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 540.

AMENDMENT NO. 573
At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 573, intended to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 648
At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 648.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. SCHUMER (for himself, Mr. SMITH of Oregon, Mr. AKARI, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGHAM, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNANAH, Mr. CLEARLAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAP O, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. FRAUENFELDER, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOH, Mr. KYI, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. McCONNELL, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBAZI, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Ms. STABENOW, Mr. THOMAS, Mr. TOBACCHELLI, Ms. VINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, and Mr. FITZGERALD):
S. 994. A bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act; to the Committee on Banking, Housing, and Urban Affairs.
Mr. SCHUMER. Mr. President, I rise today to announce the introduction of the Iran-Libya Sanctions Extension Act, which extends American sanctions against foreign companies which invest in Iran and Libya’s oil sectors for 5 years.

At a time when many people in Washington are seeking to review America’s sanctions policies, this bill—with its 74 original cosponsors—says that sanctions against the world’s worst rogue states will remain firmly in place. I hope that President Bush will recognize the message sent by the overwhelming support for this legislation, and will put to rest the idea that the Iran-Libya Sanctions Act might expire or be weakened.

ILSA has been one of America’s best weapons in our war against terrorism, because it is aimed at cutting off the flow of money that terrorist groups depend on to fund their attacks and operations. Over the past 5 years, ILSA has effectively deterred foreign investment in Iran’s oil fields: of the 55 projects for which Iran sought foreign investment, only 6 have been funded, and none have been completed.

That’s what ILSA’s all about: it limits the ability of Iran and Libya to reap oil profits that can be spent funding terrorism and for weapons of mass destruction.

Even with ILSA in place, Iran continues to supply upwards of $100 million to Hezbollah, Islamic Jihad and Hamas—which claimed responsibility for the bombing last week in Tel Aviv that killed 20 Israeli children.

Can you imagine how much more Iran would be spending on terrorism...
and weapons of mass destruction if they had billions more in oil profits rolling in?

The truth is, ILSA is needed now more than ever.

Despite the election of the so-called “moderate” President Mohammad Khatami in 1997, Iran remains the world’s most active state sponsor of terrorism, and has been feverishly seeking to develop weapons of mass destruction. And on the eve of another election in Iran, Khatami continues to vilify the United States, and in his most recent call for the destruction of Israel, referred to Israel as “a parasite in the heart of the Muslim world.” These are not the words of a moderate, worthy of American concessions.

As far as Libya is concerned, we all learned recently that the Libyan government was directly involved in the bombing of Pan Am 103—one of the most heinous acts of terrorism in history.

Yet Libya obstinately refuses to abide by U.N. Security Council resolutions requiring it to formally renounce terrorism, accept responsibility for the government officials convicted of masterminding the bombing, and compensate the victims’ families.

Some say we should lift sanctions on rogue nations like Iran and Libya first, and decent, moral, internationally-acceptable behavior will follow. I say that that is twisted logic.

If these nations are serious about entering the community of nations, and seeing their economies benefit from global integration, they must change their behavior first. They must adapt to the world community, the world community does not need to adapt to them.

The bottom line is that these sanctions must remain in place until Iran ends its support of international terrorism and ends its dangerous quest for catastrophic weapons.

For Libya, it means full acceptance of responsibility for the Pan Am 103 bombing and full compensation for the families of the victims.

If that day arrives, ILSA will no longer be needed and will be terminated. Unfortunately, that day is not yet in sight.

Finally, I would urge the Bush Administration, as it reviews American sanction policies, to consider that letting ILSA expire would send the wrong message to Iran and Libya.

This is not the time to weaken sanctions and permit investment that can be used to fund terrorist acts like the one we saw in Israel last week.

Mr. MCCAIN. Mr. President, I join my colleagues in support of renewing the Iran-Libya Sanctions Act to protect American interests in the Middle East. Despite promising changes within Iranian society, Iran’s external behavior has not changed, and its role as a destabilizing nation endures.

Iran continues to aggressively foment terrorism beyond its borders and develop weapons of mass destruction as a matter of national policy. Consistent calls from its leaders for Israel’s destruction, and the Iranian government’s bankrolling of murderous behavior by Hezbollah, Hamas, and other terrorist groups, should make clear to all friends of peace where Iran stands, and the role it plays, in the conflagration that threatens to consume an entire region.

Of grave concern are recent revelations that implicate Iran’s most senior leaders in the 1996 terrorist attack on Khobar Towers that took the lives of 19 U.S. service men. If true, America’s response should extend far beyond renewing ILSA.

The successful conclusion of the Lockerbie trial, which explicitly implicated Libya’s intelligence services in the attack, does not absolve Libya of its obligations to meet fully the terms of the U.N. Security Council resolutions governing the multilateral sanctions regime against it. Libya has not formally renounced terrorism, as certified again this year by our State Department, and its aggressive efforts to develop chemical and potentially nuclear weapons, exclude Libya from the ranks of law-abiding nations.

Lifting sanctions on Iran and Libya at this time would be premature and would unjustly reward their continuing hostility to basic international norms of behavior. Overwhelming Congressional support for renewing the Iran-Libya Sanctions Act reflects a clear majority consensus on U.S. relations with these rogue regimes. Were the foreign and national security policies of Iran and Libya truly responsive to the will of their people, our relationship with their nations would be far different. But Libya’s Qaddafi and Iran’s ruling clerics hold their citizens hostage by their iron grip on power. Supporting their replacement by leaders elected by and accountable to their people should be a priority of American policy.

By Mr. AKAKA (for himself, Mr. LEVIN, and Mr. GRASSLEY):

S. 996. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that those policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

Mr. WIDENER. Mr. President, today I am introducing amendments to the Whistleblower Protection Act, WPA, that will strengthen protections for federal employees who disclose waste, fraud, and abuse. I am proud to be joined by Senators LEVIN and GRASSLEY, two of the Senate’s leaders in protecting employees from retaliatory actions. The Senators from Michigan and Iowa were the primary sponsors of the original 1989 Act, as well as the 1994 amendments, both of which were passed unanimously by Congress.

One of the basic obligations of public service is to disclose waste, fraud, abuse, and corruption to appropriate authorities. The WPA was designed to protect federal employees, those often closest to wrongdoing, from workplace retaliation as a result of making such disclosures. The right of federal employees to be free from workplace retaliation has, however, been diminished by a pattern of court rulings that have narrowly defined who qualifies as a whistleblower under the WPA, and what statements are considered protected disclosures. These rulings are inconsistent with congressional intent. There is little incentive for federal employees to come forward because doing so could put their careers at substantial risk.

The bill we introduce today will restore congressional intent regarding the WPA. It codifies certain anti-gag rules, extends independent litigating authority to the Office of Special Counsel, OSC, and ends the sole jurisdiction of the Court of Appeals for the Federal Circuit over whistleblower cases.

In the Civil Service Reform Act of 1978, CSRA, Congress included statutory whistleblower rights for federal employees entitled to the WPA, and what disclosures are protected. In addition, it codifies certain anti-gag rules, extends independent litigating authority to the Office of Special Counsel, OSC, and ends the sole jurisdiction of the Court of Appeals for the Federal Circuit over whistleblower cases.

Since the 1994 amendments, both OSC and MSPB generally have honored constitutional and statutory language that the Act provides for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing amendments to the Whistleblower Protection Act, WPA, that will strengthen protections for federal employees who disclose waste, fraud, and abuse. I am proud to be joined by Senators LEVIN and GRASSLEY, two of the Senate’s leaders in protecting employees from retaliatory actions. The Senators from Michigan and Iowa were the primary sponsors of the
In order to protect the statute’s foundation that “any” lawful disclosure that the employee or applicant reasonably believes is credible evidence of waste, fraud, abuse, or gross mismanagement is covered by the WPA, our bill amends the conditional statements of congressional intent and legislative history. It amends sections 2302(b)(8)(A) and 2302(b)(8)(B) of title 5, U.S.C., to cover any disclosure of information “without restriction to time, place, form, motive, or context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee’s duties that the employee or applicant reasonably believes is credible evidence of” any violation of any law, rule, or regulation, or other misconduct specified in section 2302(b)(8).

The bill also codifies an “anti-gag” provision that Congress has passed annually since 1988 as part of the appropriations process. It bans agencies from implementing or enforcing any nondisclosure policy, form, or agreement that supercedes an employee’s rights under good government statutes. Moreover, Congress unanimously has supported the concept that federal employees should not be forced to sign agreements that supercede an employee’s rights under good government statutes. Moreover, Congress repeatedly has reaffirmed its intent that employees should not be forced to sign agreements that supercede an employee’s rights under good government statutes. Moreover, Congress unanimously has supported the concept that federal employees should not be subject to prior restraint from communicating directly with Congress or the Special Counsel, or to the Inspector General, and are controlling. The measure also provides the Special Counsel with greater litigating authority to seek such review, in precedent cases, is crucial to ensuring the promotion of the public interests furthered by these statutes.

First, the bill would end the Federal Services Subcommittee’s monopoly over whistleblower cases by allowing appeals to be filed in the Federal Circuit or the circuit in which the petitioner resides. This restores normal judicial review, and provides employees in states such as my home state of Hawaii, the option of a more convenient forum, rather than necessitating a 10,000 mile round trip from Hawaii to Washington, D.C.

This bill will begin the needed dialogue to guarantee that any disclosures within the boundaries of the statutory language are protected. As the Chairman of the Federal Services Subcommittee, I plan to hold a hearing on the Whistleblower Protection Act and the amendments we are proposing today.

Protection of Federal whistleblowers is a bipartisan effort. Enactment of the original bill in 1989 and the 1994 amendments enjoyed unanimous bicameral support. I am pleased that Representatives MORELLA and GILMAN will introduce identical legislation in the House of Representatives in the near future. I also wish to note that our bill enjoys the strong support of the Government Accountability Project and the National Whistleblower Center, and I commend both of these organizations for their efforts in protecting the public interest and promoting government accountability by defending whistleblowers.

I urge my colleagues to join in the effort to ensure that the congressional intent embodied in the Whistleblower Protection Act is codified and that the law is not weakened further. I ask unanimous consent that letters in support of our bill from the National Whistleblower Center and the Government Accountability Project and the text of the bill be printed in the RECORD.

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

S. 995

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

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) Clarification of Disclosures Covered.—Section 2302(b) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “which the employee or applicant reasonably believes is credible evidence of”; and

(B) in clause (i), by striking “a violation” and inserting “any violation”;

(2) in subparagraph (B)—

(A) by striking “which the employee or applicant reasonably believes is credible evidence of” and inserting “without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee’s duties that the employee or applicant reasonably believes is credible evidence of”; and

(B) in clause (i), by striking “a violation” and inserting “any violation”; and

(3) by adding at the end the following:

(‘‘C’’) a disclosure that—

(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs by the employee or applicant reasonably believes is credible evidence of—

(I) any violation of any law, rule, or regulation;

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(III) a false statement to Congress on an issue of material fact; and

(IV) is made to—

(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates;

(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

(III) an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed.

(b) Covered Disclosures.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking “This subsection” and inserting the following:

“This subsection”;

and

(2) by adding at the end the following:

“In this subsection, the term ‘disclosure’ means a formal or informal communication or transmission.’’.

(c) Nondisclosure Policies, Forms, and Agreements.—

(1) Personnet Action.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking “and” after the semicolon; and

(B) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and

(2) Prohibited Personnel Practice.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking “or” at the end;

(B) in paragraph (12), by striking the period and inserting “; or”; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

‘‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures to the Special Counsel); or the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is credible evidence of; and

in clause (i), by striking “a violation” and inserting “any violation”; and

by adding at the end the following:

(‘‘C’’) a disclosure that—

(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs by the employee or applicant reasonably believes is credible evidence of—

(I) any violation of any law, rule, or regulation;

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(III) a false statement to Congress on an issue of material fact; and

(IV) is made to—

(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates;

(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

(III) an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed.”;

(II) by adding at the end the following:

“Any person who violates this section shall be liable to the employee or applicant for an amount equal to any actual compensatory damages sustained by the employee or applicant, and punitive damages of up to $250,000.”;

and

(IV) by adding at the end the following:

“Any person who violates this section shall be liable to the employee or applicant for an amount equal to any actual compensatory damages sustained by the employee or applicant, and punitive damages of up to $250,000.”;

and

(III) by adding at the end the following:

“Any person who violates this section shall be liable to the employee or applicant for an amount equal to any actual compensatory damages sustained by the employee or applicant, and punitive damages of up to $250,000.”;

and

(IV) by adding at the end the following:

“Any person who violates this section shall be liable to the employee or applicant for an amount equal to any actual compensatory damages sustained by the employee or applicant, and punitive damages of up to $250,000.”;

and

(IV) by adding at the end the following:

“Any person who violates this section shall be liable to the employee or applicant for an amount equal to any actual compensatory damages sustained by the employee or applicant, and punitive damages of up to $250,000.”.
Your bill would also codify so-called “anti-gag” language that has been included each year for the past twelve years in appropriations bills. The language has been needed to protect whistleblowers and to preserve the Office of Special Counsel’s efforts to prevent improper disclosures of information. The ambiguity created a chilling effect for employees who otherwise had the right to make public disclosures and elsewhere. This provision would clear a major hurdle in protecting the rights of employees to discuss instances of wrongdoing by government officials.

The Center is concerned that, in the larger picture, improvements in the whistleblower protection system require more fundamental changes. For instance, there should be stronger provisions to hold accountable those managers who retaliate against whistleblowers, those who bring their cases under laws other than the WPA have had much greater success. This is in part because of adverse decisions by the Federal Circuit, but it also suggests that the WPA is not as whistleblower-friendly in practice as we hoped it would be when passed and amended the WPA. These issues are to be addressed by the legislation you have proposed. The Center would be happy to provide you the benefit of our experience in these matters.

Nonetheless, your bill, if passed, would make an important contribution toward improvements in the protection of whistleblowers under the WPA. Again, we commend your leadership in the introduction of this bill, and look forward to working with you and your co-sponsors during the hearing process and throughout the legislative process.

Sincerely,

Kris J. Kolesnik, Executive Director,

GOVERNMENT ACCOUNTABILITY PROJECT,


Hon. Daniel K. Akaka,
Chairman, Subcommittee on International Security, Proliferation and Foreign Policies, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Government Accountability Project (GAP) commends your leadership in sponsoring legislation to revive and strengthen the Whistleblower Protection Act (WPA). This is the primary civil service law applying to employees of the government. Your initiative is indispensable to restore legitimacy for the law’s unambiguous congressional mandate, both in 1989 when it was passed original and again in 1994 when it was unambiguously strengthened. We similarly appreciate the partnership of original cosponsors Senators Levin and Grassley. They remain visible leaders from the pioneer campaigns that earned this legislative mandate.

GAP is a non-partisan, non-profit public interest organization whose mission is supporting whistleblowers, those employees who exercise free speech rights to challenge be-trayals of the public trust which they learn on the job. We advocated initial passage of whistleblower rights as part of the Civil Service Reform Act of 1978, and have led outside campaigns for passage of the WPA, as well as analogous laws for military service members, state, municipal and corporate employees in industries ranging from airlines to nuclear energy. Last year GAP drafted a model whistleblower law approved by the Organization of American States (OAS) for implementation of the Inter-American Convention on the Protection of Persons湾 who violate the merit system; and giving whistle-blowers access to access to jury trials to enforce their rights.

laws.

Mr. LEVIN. Mr. President, I am pleased to join Senators Akaka and Grassley today in sponsoring amendments to the Whistleblower Protection Act that will strengthen the law protecting employees who blow the whistle on fraud, waste, and abuse in federal programs. I am introducing today a package that strengthens the Whistleblower Protection Act in 1989 which strengthened and clarified the intent of whistleblower protections in the merit system. But recent holdings by the United States Court of Appeals for the Federal Circuit (FCA) have cast doubt on the interpretation by this court. This pattern must end for the law again to become functional.

Your bill also incorporates an appropriations rider approved for the past 13 years, known as the “anti-gag statute.” This provision requires agencies to notify employees that any restriction is only to the extent that it does not override their rights under the WPA, or other open government laws such as the Lloyd Lofoliette Act protecting communications of government officials.

The Center has long recognized the obligation we have to protect a Federal...
employee when he or she discloses evidence of wrongdoing in a Federal program. If an employee reasonably believes that a fraud or mismanagement is occurring, and that employee has the courage and the sense of responsibility to make a thorough examination, the law knows it is his duty to protect the whistleblower from any reprisal. We want Federal employees to identify problems in our programs so we can fix them, and if they fear reprisal for doing so, then we are not only failing to protect the whistleblower, but we are also failing to protect the taxpayer. We need to encourage, not discourage, disclosures of fraud, waste and abuse.

Today, however, the effect of the Federal Circuit decisions is to discourage the Federal employee whistleblower and overturn Congressional intent. The Federal Circuit has misinterpreted the plain language of the law on what constitutes protected disclosure under the Whistleblower Protection Act. Most notably, in the case of Lachance versus White, decided on May 14, 1999, the Federal Circuit imposed an unfounded and virtually unattainable standard on Federal employee whistleblowers in their cases. In that case, John E. White was an education specialist for the Air Force who spoke out against a new educational system that purported to mandate quality standards for schools contracting with the Air Force. White criticized the new system as counterproductive because it was too burdensome and seriously reduced the education opportunities available on base. After making these criticisms, local agency officials reassigned White, removing his duties and allegedly isolating him. However, after an independent management review supported White’s concerns, the Air Force canceled the program White had criticized. White appealed the reassignment in 1992 and the case has been in litigation ever since.

The administrative judge initially dismissed White's case, finding that his disclosures were not protected by the Whistleblower Protection Act. The MSPB, however, reversed the administrative judge's decision and remanded it back to the administrative judge holding that since White disclosed information he reasonably believed evidenced gross mismanagement, this disclosure was protected under the Act. On remand, the administrative judge found that the Air Force had violated the Whistleblower Protection Act and ordered the Air Force to return White to his prior status; the MSPB affirmed the decision of the administrative judge. OPM petitioned the Federal Circuit for a review of the board's decision. The Federal Circuit reversed the MSPB's decision, holding that there was not adequate evidence to support a violation under the Whistleblower Protection Act. The Federal Circuit held that that White was not an “activist” on the subject at issue and aware of the alleged improper activities and that his belief was shared by other employees was not sufficient to meet the “reasonable belief” test in the law. The court held that “the board must look for evidence that it was reasonable to believe that the disclosures revealed misbehavior [by the Air Force] . . . . The court went on to say: "In this case, the Air Force’s policy and implementation via the QS5 standards might well show them to be entirely appropriate, even if not the best option. Indeed, this review would start on a presumption that public officers perform their duties correctly, fairly, in good faith, and in accordance with governing regulations . . . And this presumption stands unless there is ‘irrefragable proof to the contrary.’" The fact that the Federal Circuit remanded the case to the MSPB to have the MSPB reconsider whether it was reasonable to believe that what the Air Force did in this case involved gross mismanagement was appropriate. But, the Federal Circuit went on to impose a clearly erroneous and excessive standard of proof requiring a "reasonable belief," requiring "irrefragable" proof that there was gross mismanagement. Irrefragable means "undeniable, incontestable, incontrovertible, incapable of being overthrown or refuted by evidence"; it is a "standard of proof that the employee in proving gross mismanagement? Moreover, there is nothing in the law or the legislative history that even suggests such a standard with respect to the Whistleblower Protection Act. The intent of the law is not for the employee to act as an investigator and compile evidence to have "irrefragable" proof that there is fraud, waste or abuse. The employee, under the clear language of the statute, need only have "a reasonable belief" that there is fraud, waste or abuse occurring before making a protected disclosure. This bill will clarify the law so this misinterpretation will not happen again.

The bill addresses a number of other important issues as well. For example, the bill adds a provision to the Whistleblower Protection Act that provides specific protection to a whistleblower who discloses evidence of fraud, waste, and abuse involving classified information if that disclosure is made to the appropriate committee of Congress or Federal executive branch employee authorized to receive the classified information. In closing, I want to thank Senator AKAKA for his leadership in this area.

Mr. GRASSLEY. Mr. President, I rise with determination to join Senators AKAKA and LEVIN introducing legislation on an issue that should concern us all: the integrity of the Whistleblower Protection Act of 1989. I enclose editorials and op-ed commentaries, ranging from the New York Times to the Washington Times highlighting the needs for this law to be reformed so that it achieves its potential for public service, to which it can become a Trojan horse that may well be creating more reprisal victims than it protects. The impact for taxpayers could be to increase silent observers who passively conceal fraud, waste and abuse. That is unacceptable.

I was proud to be an original co-sponsor of this law when it was passed unanimously by Congress in 1989, and would start out on a presumption that public officers perform their duties correctly, fairly, in good faith, and in accordance with governing regulations. . . . And this presumption stands unless there is ‘irrefragable proof to the contrary.’"
contradict express congressional intent. Since 1978, the point of Federal whistleblower protection has been to give agencies the first crack at cleaning their own houses. These loopholes force them to either remain silent, sacrifice their careers, or go behind the back of institutions and individuals if they want to preserve their rights when challenging perceived misconduct. They proceed at their own risk if they exercise their professional expertise to challenge problems on the job. They can only challenge anecdotal misconduct on a personal level, rather than institutionalized.

Our legislation addresses the problem by codifying the congressional "no exceptions" definition for lawful, significant disclosures. The legislation also reaffirms the right of whistleblowers to disclose classified information about wrongdoing to Congress. National security secrecy must not cancel Congress' right to know about betrayals of the public trust.

In a 1999 decision, the Federal Circuit functionally overturned the standard by which whistleblowers demonstrate their disclosures deserve protection: lawful disclosures which evidence a reasonable belief of specific misconduct. Congress did not change this standard in 1989 or 1994 for a simple reason: it has worked by setting a fair balance to protect responsible exercises of free speech. Ultimate proof of misconduct has never been a prerequisite for protection. Summarized in lay terms, "reasonable belief" has meant that if information would be accepted for the record of related litigation, government investigations or enforcement actions, it is illegal to fire the employee who bears witness by contributing that evidence.

That realistic test no longer exists. In Lachance v. White, the Federal Circuit overturned the victory of an Air Force education specialist challenging a pork barrel program whose concerns were so valid that after an independent management review, the Air Force agreed and canceled the program. Unfortunately, local base officials held a grudge, reassigning Mr. White, and stripping him of his duties. He appealed under the WPA and won before the Merit Systems Protection Board. The Federal Circuit, however, held that he did not demonstrate a "reasonable belief." If the case had gone back, that raises questions on its face, since agencies seldom agree with whistleblowers.

The court accomplished this result disingenuously. While endorsing the existing standard, it added another hurdle. It held that to have a reasonable belief, an employee must overcome the presumption that the government acts fairly, lawfully, properly and in good faith. They must do so by "irrefragable proof." The dictionary defines "irrefragable" as "not susceptible, incontestable, undeniable, or incapable of being overthrown." The bottom line is that, in the absence of a confession, there is no such thing as a reasonable belief. If there is no disagreement about alleged misconduct, there is no need for whistleblowers.

The court even added a routine threat for employees asserting their rights. Although Congress has repeatedly and irrevocably binded its hand against allowing the agencies to assess protected speech, the court ordered the MSPB to conduct factfinding for anyone filing a whistleblower reprisal claim, to check if the employee had a conflict of interest for disclosing information in the first place. This means that while whistleblowers have almost no chance of prevailing, they are guaranteed to be placed under investigation for challenging harassment. Ironically, in 1994 Congress outlawed retaliatory investigations, which have now been institutionalized by the court.

In the aftermath, whistleblower support groups like the Government Accountability Project must warn those seeking guidance that if they assert rights, they are under investigation and any eventual legal ruling on the merits inevitably will conclude they deserve punishment and formally endorse the retaliation they suffered. The White case is a decisive reason for those whose stamina defending freedom of speech has applied that principle in practice. Senator Lott has been a Senate partner from the beginning of legislative initiatives on this issue. His leadership has proved that whistleblower protection is not an issue reserved for conservatives or liberals, Democrats or Republicans. The First Amendment, whistleblower protection is a cornerstone right for Americans.

Nongovernmental organizations have made significant contributions as well. The Government Accountability Project, a non-profit, non-partisan whistleblower support group, has been a relentless watchdog of merit system whistleblower rights since they were created by statute in 1978. Thanks to GAO, my staff has been taken by surprise as judicial activism threatened this good government law. Kris Kolesnick, formerly with my staff and now with the National Whistleblower Center, worked on the original legislation while on my staff and continues to work in partnership with me.

In the decade since Congress unanimously passed this law, it has been a Taxpayer Protection Act. My office has been privileged to work with public servants who exposed indefensible waste and mismanagement at the Pentagon, as well as indefensible abuses of power at the Department of Justice. I keep learning that whistleblowers protect us on our own side when defending the public. In case after case I have seen the proof of Admiral Rickover's insight that unlike God, the bureaucracy does not forgive. Nor does it forget.

It also has been confirmed repeatedly that whistleblowers must prove their commitment to stamina and persistence in order to make a difference
against ingrained fraud, waste and abuse. There should be no question about Congress’, or this Senator’s commitment. Congress was serious when it passed the Whistleblower Protection Act unanimously. It is not mere window dressing. As long as whistleblowers confront the public, they must defend credible free speech rights for genuine whistleblowers. Those who have something to hide, the champions of secrecy, cannot outlast or defeat the right to know both for Congress, law enforcement, and taxpayers. Every time judicial or bureaucratic activists attempt to kill this law, we must revise it in stronger terms. Congress can not watch passively as this law is gutted, or tolerate gaping holes in the shield protecting public servants. The taxpayers are on the other side of the shield, with the whistleblowers.

Mr. President, I ask unanimous consent that the October 13, 1999 article from The New York Times be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the New York Times, Oct. 13, 1999)

SILENT WHISTLEBLOWERS
WORKER PROTECTIONS ARE UNDER ATTACK
(By Tom Devine and Martin Edwin Anderson)

Judicial activism is always suspect, but when judicial law erects barriers to protecting the public’s interest in order to shield professional leeches, it makes a mockery of the legal system itself. The issue has become a front-burner in Congress as it takes a new look at a significant good-government law that twice won unanimous passage. In the aftermath of extremist judicial activism that functionally overturned the statute, a crucial campaign has been launched this week on the Hill to enlist members as friends of the court in a brief filed with Supreme Court review of the circuit court decision. At issue is a ruling made final in July by the Federal Circuit Court of Appeals, which distinguished between two labels, winnily passed by Congress—the code of Ethics for Government Service and the Whistleblower Protection Act. The decision, White vs. Lachance, was the handiwork of a chief judge whose previous job involved swinging the ax against federal workers who dared to speak truth. The new issue is whether federal workers who have something to hide, who are charged with protecting the public’s interest, can outlast the right to know both for Congress, law enforcement, and taxpayers. The Judicial branch朋友们 have examined the possibility of a judicial law to protect the federal worker from being one of the public.

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CONGRESSIONAL RECORD — SENATE

June 7, 2001

S976

Colorado Springs, Colorado, metropolitan area: to the Committee on Veterans’ Affairs.

Mr. ALLARD. Mr. President, the Colorado Springs, Colorado metropolitan area is the home of the United States Air Force Academy, the North American Defense Command, United States Space Command, Ft. Carson Army Base, Peterson Air Force Base, and Shriever Air Force Base. There are over 30,000 active duty and reserve military personnel in the city. There are nearly 23,000 retired personnel in the 5th Congressional District, which is based around Colorado Springs, the third largest DoD retired community in any Congressional District in the country. There is, however, no National Military Cemetery.

The bill I am introducing today is a companion piece to legislation introduced in the House by my friend and colleague, JOEL HFELEY. At my annual town meeting in El Paso County on June 1, I discussed this matter with my constituents. There are many of them who feel strongly that a cemetery is needed and I agree. This bill will allow the thousands of eligible Colorado Springs military personnel, both active duty and retired, to have a chance to find their final resting place in the city so many of them love.

I am aware that the Veterans Administration is not known for prompt and easy cemetery construction. I am aware that there are some areas in the country who have cemetery needs more critical than Colorado Springs. But I do not think that should mean that the people of Colorado Springs are denied the ability to choose a cemetery for themselves and their loved ones that properly honors their contributions to the nation.

I look forward to working on this bill and seeing its eventual passage.

By Mrs. BOXER:

S. 997. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Ad visory Committee; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. BOXER. Mr. President, I am introducing today a bill that addresses an emerging ecological crisis in California that quite literally threatens to change the face of my State, and perhaps others.

California’s beloved oak trees are in grave peril. Thousands of black oak, coast live oak, Shreve’s oak, and black oak trees are among the most familiar and best loved features of California’s landscape due to their density. As they die, they become a terrible reality. Residents who built their homes among or around oak trees are in particular danger.

Sudden Oak Death Syndrome is already having serious economic and environmental impacts. Both Oregon and Canada have imposed quarantines on the importation of oak products and nursery stock from California. According to the U.S. Forest Service, removal of dead trees can cost $2,000 or more apiece, and loss of oaks can reduce property values by 3 percent or more. In Marin County alone, tree removal and additional fire fighting needs are expected to cost over $6 million.

Nor is the spread of the Phytophthora fungus limited to oak trees. The fungus has also been found on rhododendron plants in California nurseries, on bays and madrone trees, and on cedars. Due to genetic similarities, this fungus potentially endangers Red and Pin oak trees on the East coast as well as the Northeast’s lucrative commercial blueberry and cranberry industries. If left unchecked, SODS could also cause a broad and severe ecological crisis, with major damage to biodiversity, wildlife habitat, water supplies, forest productivity, and hillside stability. California’s oak woodlands provide shelter, habitat, and homes to over 300 wildlife species. They reduce soil erosion. They help moderate extremes in temperature. And, they aid with nutrient cycling, which ensures that organic matter is broken down and made available for use by other living organisms. Very little is known about this new species of Phytophthora fungus. Scientists are struggling to better understand Sudden Oak Death Syndrome, how the disease is transmitted, and what the best treatment options might be. The U.S. Forest Service, the University of California, the State Departments of Forestry and Fire Protection, and County Agricultural Commissioners have created an Oak Mortality Task Force in an attempt to half its spread. The Task Force has established a series of objectives leading to the elimination of SODS, but very little can be accomplished without adequate support for outreach, education, monitoring, treatment and education.

In September of last year, I called on the Department of Agriculture, USDA, to provide financial assistance and to create its own task force to work with California’s Oak Mortality Task Force. Outgoing Agriculture Secretary Dan Glickman answered the call by releasing $2.1 million in emergency funding and establishing a top-flight task force under the direction of USDA’s Animal and Plant Health Inspection Service, APHIS. This was a good first step, but it was just that.

That is why I am introducing today the Sudden Oak Death Syndrome Control Act of 2001. This legislation would authorize over $14 million each year for the next five years in critically needed funding to fight the SODS epidemic. Combined with the efforts of state and local officials, this legislation will help to prevent the dire predictions from becoming a terrible reality.

This bill is endorsed by the California Oak Mortality Task Force, the Marin County Board of Supervisors, the Trust for Public Land, California Releaf, and the International Society of Arboriculture, Western Chapter.

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. 997

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Sudden Oak Death Syndrome Control Act of 2001.”

SEC. 2. FINDINGS.

Congress finds that—

(1) tan oak, coast live oak, Shreve’s oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic Phytophthora fungus, is approaching epidemic proportions;

(3) very little is known about the new species of Phytophthora, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of transmission, and how sudden oak death syndrome can best be treated;

(4) the Phytophthora fungus has been found on—

(A) Rhododendron plants in nurseries in California; and

(B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(5) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduc tion in property values; and

(C) loss of revenue due to—

(i) restrictions on imports of oak products and nursery stock; and

(ii) the impact on the commercial rhododen dron, blueberry, and cranberry industries; and

(6) Oregon and California have imposed an emergency quarantine on the importation of oak trees, oak products, and certain nursery plants from California.
SEC. 3. RESEARCH, MONITORING, AND TREATMENT OF SUDDEN OAK DEATH SYNDROME.

(a) In General.—The Secretary of Agriculture (referred to in this Act as the “Secretary”) shall carry out a sudden oak death syndrome research, monitoring, and treatment program to develop methods to control, manage, or eradicate sudden oak death syndrome from oak trees on both public and private lands. The program shall include: 

(b) Research, Monitoring, and Treatment Activities.—In carrying out the program under subsection (a), the Secretary may—

1. conduct open space, roadside, and aerial surveys;
2. provide monitoring technique workshops;
3. develop baseline information on the distribution, condition, and mortality rates of oaks in California and the Pacific Northwest;
4. maintain a geographic information system database;
5. conduct research activities, including research on forest pathology, Phytophthora ecology, forest insects associated with oak decline, urban forestry, arboriculture, forest ecology, fire management, silviculture, landscape ecology, and epidemiology;
6. evaluate the susceptibility of oaks and other vulnerable species throughout the United States; and
7. develop and apply treatments.

SEC. 4. MANAGEMENT, REGULATION, AND FIRE PREVENTION.

(a) In General.—The Secretary shall conduct sudden oak death syndrome management, regulation, and fire prevention activities to reduce the threat of fire and fallen trees killed by sudden oak death syndrome.

(b) Management, Regulation, and Fire Prevention Activities.—In carrying out subsection (a), the Secretary may—

1. conduct hazard tree assessments;
2. provide grants to local units of government for hazard tree removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, resistant tree breeding, and exotic weed control;
3. increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to oak die-off;
4. treat vegetation to prevent fire, and assesses fire risk, in areas heavily infested with sudden oak death syndrome;
5. conduct national surveys and inspections of—
   A. commercial rhododendron and blueberry nursery reserves; and
   B. native rhododendron and huckleberry plants;
6. provide for monitoring of oaks and other vulnerable species throughout the United States to ensure early detection; and
7. provide diagnostic services.

SEC. 5. EDUCATION AND OUTREACH.

(a) In General.—The Secretary shall conduct education and outreach activities to make information available to the public on sudden oak death syndrome.

(b) Education and Outreach Activities.—In carrying out subsection (a), the Secretary may—

1. develop and distribute educational materials for—
   A. park managers, public works personnel, recreationists, nursery workers, landscapers, naturalists, firefighting personnel, and other individuals, as the Secretary determines appropriate;
2. design and maintain a website to provide information on sudden oak death syndrome; and
3. provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

SEC. 6. SUDDEN OAK DEATH SYNDROME ADVISORY COMMITTEE.

(a) Establishment.—

(1) In General.—The Secretary shall establish a Sudden Oak Death Syndrome Advisory Committee (referred to in this section as the “Committee”) to assist the Secretary in carrying out this Act.

(2) Membership.—

(A) Composition.—The Committee shall consist of—

(i) 1 representative of the Animal and Plant Health Inspection Service, to be appointed by the Administrator of the Animal and Plant Health Inspection Service;
(ii) 1 representative of the Forest Service, to be appointed by the Chief of the Forest Service;
(iii) 2 individuals appointed by the Secretary from each of the States affected by sudden oak death syndrome; and
(iv) any individual, to be appointed by the Secretary, in consultation with the Governors of the affected States, that the Secretary determines—

(I) has an interest or expertise in sudden oak death syndrome; and
(II) would contribute to the Committee.

(B) Date of Appointments.—The appointment of a member of the Committee shall be made not later than 90 days after the enactment of this Act.

(3) Initial Meeting.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(b) Duties.—

(1) Implementation Plan.—The Committee shall prepare a comprehensive implementation plan to address the management, control, and eradication of sudden oak death syndrome.

(2) Reports.—

(A) Interim Report.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to Congress the implementation plan prepared under paragraph (1).

(B) Final Report.—Not later than 3 years after the date of enactment of this Act, the Committee shall submit to Congress a report that contains—

(i) a summary of the activities of the Committee;
(ii) an accounting of funds received and expended by the Committee; and
(iii) findings and recommendations of the Committee.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal years 2002 through 2007—

1. to carry out section 3, $7,500,000, of which up to $1,500,000 shall be used for treatment;
2. to carry out section 4, $6,000,000;
3. to carry out section 5, $500,000; and
4. to carry out section 6, $250,000.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 998. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my good friend and colleague from Wisconsin, Senator RUSS FEINGOLD, in introducing legislation to improve access to oral health care by strengthening the dental workforce in our Nation’s rural and underserved communities.

Oral and general health are inseparable, and good dental care is critical to our overall physical health and well-being. Dental health encompasses far more than cavities and gum disease. The recent U.S. Surgeon General report Oral Health in America states that “the mouth acts as a mirror of health and disease” that can help diagnose disorders such as diabetes, leukemia, heart disease, and anemia.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. While there are clinically proven techniques to prevent or delay the progression of dental health problems, an estimated 25 million Americans live in areas lacking adequate dental services. As a consequence, these effective treatment and prevention programs are not being implemented in many of our communities. Astoundingly, as many as eleven percent of our Nation’s rural population have never been to the dentist.

This situation is exacerbated by the fact that our dental workforce is graying and the overall ratio of dentists to population is declining. In Maine, there currently are 393 active dentists in a state where 1,241,000 people are 45 or older. More than 20 percent of dentists nationwide will retire in the next ten years and the number of dental graduates by 2015 may not be enough to replace these retirees.

As a consequence, Maine, like many States, is currently facing a serious shortage of dentists, particularly in rural areas. While there is one general practice dentist for every 2,286 people in the Portland area, the numbers drop dramatically in western and northern Maine. In Aroostook County, where I’m from, there’s only one dentist for every 5,507 people. Moreover, at a time when tooth decay is the most prevalent childhood disease in America, Maine has fewer than ten specialists in pediatric dentistry, and most of these are located in the southern part of the State.

This dental workforce shortage is exacerbated by the fact that Maine currently does not have a dental school or even a residency program. Dental schools can provide a critical safety net for the oral health needs of a state, and dental education clinics can provide the surrounding communities with care that otherwise would be unavailable to disadvantaged and uninsured populations. Maine is just one of a number of predominantly rural States that lacks this important component of a dental safety net.

Maine, like many States, is exploring a number of innovative ideas for increasing access to dental care in underserved areas. In an effort to supplement and encourage these efforts, we
are introducing legislation today to establish a new State grant program designed to improve access to oral health services in rural and underserved areas. The legislation authorizes $50 million over five years for grants to States to help improve the oral health of residents, particularly those with special needs, such as disabled individuals, those with congenital conditions, and non-English-speaking patients, by establishing or expanding dental service programs. The legislation will be introduced today.

States could use these grants to fund a variety of programs. For example, they could use the funds for loan repayment programs for dentists practicing in underserved areas. They could also use them to provide grants and low- or no-interest loans to help practitioners to establish or expand practices in these underserved areas. States like Maine that do not have a dental school could use the funds to establish a dental residency program. Other States might want to use the grant funding to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics.

To assist in their recruitment and retention efforts, States could also use the funds for placement and support of dental education institutions. They could use the funds for placement and support of dental education institutions. States might establish or expansion of a State dental office to coordinate oral health and access issues; and any other activities that are determined to be appropriate by the Secretary of Health and Human Services.

The National Health Service Corps is helping to meet the oral health needs of underserved communities by placing dentists and dental hygienists in some of America’s most isolated communities. They are providing dental services for the nation’s underserved populations, strengthening the dental workforce, as well as maintain the ability of dental schools to produce the necessary manpower to provide oral health care to all Americans.

The legislation that could be funded through the grants include: community-based prevention services such as water fluoridation and dental sealant programs; school programs to encourage children to go into oral health or science professions; the establishment or expansion of a State dental office to coordinate oral health and access issues; and any other activities that are determined to be appropriate by the Secretary of Health and Human Services.

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The American Dental Education Association (ADEA) represents the nation’s 55 dental schools as well as hospital-based dental and advanced education programs, allied dental programs and schools, dental research institutions, and the faculty and students at these institutions. ADEA and its member schools are dedicated to providing the highest quality education to their students, conducting research and providing oral health care services to medically underserved and underserved areas, the majority of whom are uninsured or who are from low-income families. Recent downward trends in student enrollment and a growing shortage in dental faculty have caused ADEA serious concern about our ability to fund and competently address these responsibilities.

Therefore, I was delighted to see that the Dental Health Improvement Act directly responds to many of the inadequately implemented, the Act would expand access to oral health care to thousands of Americans for the first time. When enacted, the provisions of the bill can be implementing addressing the more than 31 million Americans living in areas that lack access to adequate oral health care services. It can provide much-needed help to dental education institutions as we seek to address faculty shortages.

As you know, dental education institutions face a major crisis in the growth of their faculty which threatens the quality of dental education, oral, dental and craniofacial research, and ultimately will adversely impact the quality of dental care. There are approximately 400 faculty vacancies. Retirements are expected to accelerate in both
private practice as well as teaching faculties in the nation's 55 dental schools. There is a significant decrease in the number of men and women choosing careers in dentistry, teaching and research. Your personal experience in Maine is a perfect example.

Educational debt has increased, affecting both career choices and practice location. Your legislation funds to help with recruitment and retention efforts and helps expand dental residency training programs to the 27 states that do not currently have dental schools.

Also important are the incentives you have proposed to expand or establish community-based dental facilities linked with dental education. The need for more dentists is obvious. More than two-thirds of patients visiting dental school clinics are members of families whose annual income is estimated to be $15,000 or below. About half of these patients are on Medicare or Medicaid, while more than one-third have no insurance coverage or government assistance program to help them pay for their dental care.

Dental academic institutions are committed to their patient care mission, not only by providing professional care and management and efficiency of patient centered care delivery at the dental school, but through increasing affiliations with and use of satellite clinics. All dentists at least one dental clinic on-site, and approximately 70% of U.S. dental schools have school sponsored satellite clinics. Delivering patient care in diverse settings demonstrates professional responsibility to the oral health of the public.

Dental schools and other academic dental institutions provide oral health care to underserved and disadvantaged populations. Yet more than 11 percent of the nation's rural population has never been to see a dentist. This population has a positive impact on the population by establishing access to oral health care at community-based dental facilities and consolidated health centers that are linked to dental schools. 100 million Americans presently do not have access to fluoridated water. The bill provides for community-based prevention services such as fluoride and sealants that can cause a dramatic change for nearly a third of the nation's population.

Thank you again for taking such a leadership role in dental health. Please be assured that ADEA looks forward to working closely with you to bring the far-reaching change for nearly a third of the nation's population.

By Mr. BINGAMAN (for himself and Mr. ROBERTS):

S. 999. A bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War; to the Committee on Armed Services.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. DODD, Mr. KENNEDY, Mrs. MURKOWSKI, Mr. KERRY, and Mr. CORZINE):

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Child Care Quality Improvement Act of 1990, which seeks to provide incentive grants to improve the quality of child care in this country.

The child care system in this country is in crisis; the need for affordable and accessible high quality child care far exceeds the supply. As long as an estimated 14 million children under age six, including six million infants and toddlers, spend some part of every day in child care, the availability of quality programs and settings will continue to be a serious issue facing this Nation.

With full-day child care costing as much as $1,000 to $10,000 per year, per child, and with Federal assistance severely limited, many working families cannot afford quality child care. For low-income families with young children, the cost of child care can consume anywhere from 25 to 45 percent of their monthly income.

And the demand for all types of child care is likely to increase, as maternal employment continues to rise, as well as the need to meet the requirements of welfare reform. At the same time the need for care is growing, we must focus on the quality of care provided for our children.

Many studies, including research findings from the National Institute for Child Health and Development, show that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, an increased likelihood of long-term school success, and consequently, a greater likelihood of long-term and social self-sufficiency.

High quality child care not only prepares children for school, it helps them succeed in life. We must therefore be more diligent in our efforts to improve the quality of child care in this country.

Quality of care means providing a safe, healthy environment for our children; well-trained providers; good staff-to-child ratios so staff can interact with the children in a developmental setting; low staff turnover that fosters a sense of security for the children; and appropriate activities that enhance learning.

When we look at the quality of our current system, the findings are appalling. A study of Federal, nonprofit, for-profit, and in-home child care settings conducted by the U.S. Consumer Product Safety Commission found that two-thirds of these child care settings had at least one major safety hazard. The study documented at least 56 deaths among children in child care settings since 1990, and reported that in 1997, some children as young as one month old received emergency room treatment for injuries in child care centers or schools.

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Mr. BINGAMAN. Mr. President, I rise today to introduce the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Child Care Quality Improvement Act of 1990, which seeks to provide incentive grants to improve the quality of child care in this country.

The child care system in this country is in crisis; the need for affordable and accessible high quality child care far exceeds the supply. As long as an estimated 14 million children under age six, including six million infants and toddlers, spend some part of every day in child care, the availability of quality programs and settings will continue to be a serious issue facing this Nation.

With full-day child care costing as much as $1,000 to $10,000 per year, per child, and with Federal assistance severely limited, many working families cannot afford quality child care. For low-income families with young children, the cost of child care can consume anywhere from 25 to 45 percent of their monthly income.

And the demand for all types of child care is likely to increase, as maternal employment continues to rise, as well as the need to meet the requirements of welfare reform. At the same time the need for care is growing, we must focus on the quality of care provided for our children.

Many studies, including research findings from the National Institute for Child Health and Development, show that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, an increased likelihood of long-term school success, and consequently, a greater likelihood of long-term and social self-sufficiency.

High quality child care not only prepares children for school, it helps them succeed in life. We must therefore be more diligent in our efforts to improve the quality of child care in this country.

Quality of care means providing a safe, healthy environment for our children; well-trained providers; good staff-to-child ratios so staff can interact with the children in a developmental setting; low staff turnover that fosters a sense of security for the children; and appropriate activities that enhance learning.

When we look at the quality of our current system, the findings are appalling. A study of Federal, nonprofit, for-profit, and in-home child care settings conducted by the U.S. Consumer Product Safety Commission found that two-thirds of these child care settings had at least one major safety hazard. The study documented at least 56 deaths among children in child care settings since 1990, and reported that in 1997, some children as young as one month old received emergency room treatment for injuries in child care centers or schools.
Another study in four States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that actually threatens the safety and health of children.

The very recent study conducted by the Center for the Child Care Workforce are also startling. It finds that the child care industry is losing well-educated teaching staff and administrators at an alarming rate and hiring replacement teachers with less training or the ability to do their jobs.

This study, conducted over a six-year period from 1994 to 2000, found that 76 percent of the teaching staff employed in the centers surveyed in 1996, and 82 percent of those working in the centers in 1994 were no longer on the job in 2000. And of those teaching staff who left, nearly half had completed a bachelor's degree, compared to only one-third of the new teachers who replaced them.

Furthermore, the study found that director turnover rates were exceedingly high, contributing to staff instability. Teaching staff and directors reported that high turnover among their colleagues negatively affected their ability to do their jobs.

We frequently hear of the critical shortage of qualified elementary and secondary school teachers. In contrast, the staffing crisis in early care barely registers in the public awareness, but is equally important and worthy of our attention.

The inability of many child care centers to offer competitive salaries is a serious obstacle to attracting and retaining qualified staff. Despite recognition that higher wages contribute to the ability to do their jobs.

When States set low rates or fail to update rates, they force working families into a difficult dilemma, they must either place their children into lower cost, lower quality child care programs that will accept the State subsidy or come up with extra dollars to supplement the State subsidy and buy better quality child care.

The Children’s Defense Fund, in a March 1998 report entitled, “Locked Doors: States Struggling to Meet the Child Care Needs of Low-Income Working Families,” noted that when rates are set below the market rate, child care providers are forced to cut corners “in ways that lower the quality of care for children.”

And when rates fall below the real cost of providing care, child care providers who do not choose to reduce staff or lower salaries and benefits, allow physical conditions to deteriorate, forgo educational book, toy, and equipment purchases, or may go out of business. These dilemmas can be avoided if we help States set payment rates that keep up with the market.

Recently, Rhode Island and many other States celebrated the sixth annual national Provider Appreciation Day, which presented us with an opportunity to honor one of the most under-recognized and under-compensated professions, and I am therefore pleased to be joined by Senator Chris Dodd, a leader in improving child care, along with Senators Kennedy, Murray, Kerry, and Corzine in introducing the Child Care Quality Incentive Act, which seeks to reduce our child care efforts and reduce the child care partnership with the states by providing incentive funding for States to increase payment rates.

Our legislation establishes a new, mandatory pool of funding under the Child Care and Development Block Grant, CCDBG. This new funding, coupled with mandatory, current market rate surveys, will form the foundation for significant increases in state payment rates for the provision of quality child care.

Increasing payment rates for the provision of child care is the key to quality. Better payment rates lead to higher quality child care. Child care providers are unable to attract and retain qualified staff, maintain a safe and healthy environment, and purchase age-appropriate educational materials. At the same time, increased payment rates expand the number of choices families have in finding child care, as providers are able to accept children whose parents had previously been unable to afford the cost of care.

While there is currently money available through the CCDBG that may be spent for quality initiatives, most states opt to expand availability of care rather than focus on quality. This bill allows funding to be used only for quality initiatives.

We have received overwhelming support for this bill from the child care community, including endorsements from USA Child Care, the Children's Defense Fund, Catholic Charities of USA, YMCA of USA, the National Child Care Association, and a host of organizations and agencies across the country.

Children are the hope of America, and they need the best of America. We cannot ask working families to choose between paying the rent, buying food, or being able to afford the quality care their children need. We’ve made a lot of progress in improving the health, safety, and well-being of children in this country. But as we approach the 21st century, we need to do more. If we are serious about putting parents to work and protecting children, we must invest more in child care help for families.

Our youngest and most vulnerable citizens, our children, deserve better from us. I urge my colleagues to join Senators Dodd, Kennedy, Murray, Kerry, Corzine, and me in this endeavor to improve the quality of child care by cosponsoring the Child Care Quality Incentive Act.

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. 1000

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Child Care Quality Incentive Act of 2001”.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Recent research on early brain development reveals that much of a child's growth is determined by early learning and nurturing care. Research also shows that quality early care and education leads to improved cognitive and emotional development.

The Children's Defense Fund, in a March 1998 report entitled, "Locked Doors: States Struggling to Meet the Child Care Needs of Low-Income Working Families," noted that when rates are set below the market rate, child care providers are forced to cut corners "in ways that lower the quality of care for children."
likelihood of long-term economic and social self-sufficiency.

(2) Each day an estimated 13,000,000 children, including 6,000,000 infants and toddlers, spend the majority of their day in child care. However, a study in 4 States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that seriously threatens the health and safety of children.

(3) Full-day child care can cost $4,000 to $15,000 or more per child per year.

(4) Although Federal assistance is available for child care, funding is severely limited. Even with Federal subsidies, many families cannot afford child care. For families with young children and a monthly income under $1,200, the cost of child care typically consumes 25 percent of their income.

(5) Payment (or reimbursement) rates, which determine the maximum the State will reimburse a child care provider for the care of a child who receives a subsidy, are too low to ensure that quality care is accessible to all families.

(6) Low payment rates directly affect the kind of care children get and whether families can afford child care in their communities. In many instances, low payment rates force child care providers to cut corners in ways that lower the quality of care for children. Reductions in staff, eliminating staff training opportunities, and cutting enriching educational activities are common.

(7) Children in low quality child care are more likely to have delayed reading and language skills, and display more aggression toward other children and adults.

(8) Increased payment rates lead to higher quality child care as child care providers are able to attract and retain qualified staff, provide more space and professional training, maintain a safe and healthy environment, and purchase basic supplies and developmentally appropriate educational materials.

(b) PURPOSE.—The purpose of this Act is to improve the quality of, and access to, child care by increasing child care payment rates.

SEC. 3. INCENTIVE GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—The Secretary shall make an annual payment under this section to an eligible State in an amount that is not less than 25 percent of such costs.

(2) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

(b) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall:

(1) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1A);

(2) describe the State’s plan to increase payment rates from the initial baseline determined under clause (1); and

(3) describe how the State will increase payment rates in accordance with the market survey results.

(c) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

(1) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

(2) at least once every 2 years, the State conducts an annual survey described in paragraph (1A).

(d) REQUIREMENT OF MATCHING FUNDS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash. Amounts provided pursuant to paragraph (1) may not be included in determining the amount of such State contributions.

(e) ALLOTMENTS TO ELIGIBLE STATES.—The amount appropriated under section 658(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658(b).

(f) USE OF FUNDS.—

(1) PRIORITY USE.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to a 100th percentile of the market rate survey described in subsection (b)(1A).

(2) ADDITIONAL USE.—An eligible State that demonstrates to the Secretary that the State has achieved a payment rate of the 100th percentile of the market rate survey described in subsection (b)(1A) may use funds received under a grant made under this section for any other activity that the State determines will enhance the quality of child care services provided in the State.

(g) SUPPLEMENT NOT SUPPLANT.—Amounts paid to a State under this section shall be in addition to any other Federal, State, or local funds provided to the State under this subchapter or any other provision of law.

(h) EVALUATIONS AND REPORTS.—

(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, regarding the State’s efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

(3) PAYMENT RATE.—In this section, the term ‘payment rate’ means the rate of reimbursement to providers for subsidized child care.

(e) PAYMENTS.—Section 658(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858(b)) is amended by inserting “from funds appropriated under section 658(a)” after “section 6580.”

(3) ANNUAL PAYMENTS.—Each eligible State that receives a grant under section 658 that is an allotment made under subsection (b) shall submit a report to the Secretary within the 2 years preceding the date of the submission of an application under paragraph (2), and

(4) PAYMENT RATE.—In this section, the term ‘payment rate’ means the rate of reimbursement to providers for subsidized child care.

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(3) PAYMENT RATE.—In this section, the term ‘payment rate’ means the rate of reimbursement to providers for subsidized child care.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. MURKOWSKI, Mr. BREAUX, Mr. HUTCHINSON, Mr. MILLER, Mr. CRAIG, Ms. LANDRIEU, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1002. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

By Ms. SNOWE, Mr. President, I rise today to introduce the Reforestation Tax Credit Incentives Act of 2001, and I am pleased to be joined by Senators LINCOLN, MURKOWSKI, BREAUX, HUTCHINSON, MILLER, CRAIG, LANDRIEU, GORDON, MILLER, and Ms. COLLINS:

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growth in the industry will occur overseas and more and more landowners will be forced to sell their land for some other higher economic value such as development. The loss of a healthy and strong forest products industry will have a long-term negative impact on both the economy and the environment.

The legislation I am introducing today partially restores the balance between corporate and private landowners by capital gains tax treatment, reducing the capital gains paid on timber for individuals and corporations. The bill is also intended to encourage the reforestation of timberland, whether it has been harvested or previously cleared for other uses, such as agriculture.

Trees take a long time to grow, anywhere from 15 years to, more typically in Maine, 40 to 50 years. During these years, a taxpayer faces higher risk and inflationary gain in timber. In the first few years, as well as the cost of equipment used in reforestation.

The planting of trees should be encouraged rather than discouraged by our tax system as trees provide a tremendous benefit to the environment, preventing soil erosion, cleansing streams and waterways, providing habitat for numerous species, and absorbing carbon dioxide from the atmosphere, the major greenhouse gas causing climate change according to the majority of renowned international scientists.

Tax incentives for planting on private lands will also decrease pressure to obtain timber from ecologically sensitive public lands, allowing these public lands to be protected.

I ask my colleagues for their support for private landowners and for the U.S. forest products industry that is so important to the health of our economy.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1003. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1004. A bill to provide for the construction and renovation of child care facilities; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JEFFORDS. Mr. President, there is a great need to improve child care in this country. America lags far behind all other industrialized nations in caring for and educating our pre-school aged children. We have the opportunity to make improvements and act now. I rise today, to introduce two small, but vitally important child care bills: the Child Care Construction and Renovation Act and the Federal Employees Child Care Act.

The Child Care Construction and Renovation Act is as much a small business assistance bill as it is a child care bill. Child care providers are small business owners. Almost every child care provider that I have talked with over the past few years wants the opportunity to improve their services, increase their skills, and improve their facilities. But the child care business is a financially unstable endeavor. Child care centers and home-based providers are finding it increasingly difficult to recruit and retain staff, to buy the supplies and equipment that will promote healthy child development, and even to keep their doors open.

The Shelburne Children’s Center in Vermont closed a couple of years ago because it could not afford to stay open. Nearly forty percent of all family-based child care and ten percent of the center-based care is for the poor. Parents can only pay what they can afford, and far too often that is barely enough to keep a child care provider in business.

This legislation also creates financing mechanisms to support the renovation and construction of child care facilities. First, it amends the National Housing Act to provide mortgage insurance on new and rehabilitated child care facilities. It creates a revolving fund to pay for the purchase or refinancing of existing child care facilities. Second, it provides funds for local, non-profit community development organizations to provide technical assistance and small grants to child care providers to help them improve and expand their center- or home-based child care facilities.

Without some government help, child care providers cannot expand their services to provide care for many families seeking affordable, quality care for their children. They cannot upgrade their equipment or make improvements to better ensure the safety of children in their care. Just as the government provides funds and services to encourage the building and renovation of low-income housing, child care, with its low-profit potential needs a similar helping hand.

The second bill which I am introducing today is the Federal Employees Child Care Act. The Federal Government is the largest American provider or employer-sponsored, on-site child care. Congress has acted affirmatively and with an extensive commitment to on-site care for its employees. The General Services Administration, (GSA), has developed considerable expertise in helping agencies start and maintain quality child care services for the children of Federal employees.

However, there are some problems which we, as an employer, need to address. As you know, federal property is exempt from state and local laws, regulations, and oversight. What this means for child care is that property that is state and local health and safety standards do not and cannot apply. This might not be a problem if federally-owned or leased child care centers met enforceable at many centers, no such health and safety apply.

I find this very troubling, and I think we sell our Federal employees a bill of
goods when federally-owed leased child care cannot guarantee that their children are in safe facilities. The Federal Government should set the example when it comes to providing safe child care. It should not turn an apathetic shoulder from meeting such standards simply because state and local regulations do not apply to them.

In 1987, Congress passed the “Trible amendment” which permitted executive, legislative, and judicial branch agencies to utilize a portion of federally-owned or leased space for the provision of child care services for federal employees. The General Services Administration, (GSA), was given the authority to provide guidance, assistance, and oversight to Federal agencies for the development of child care centers. In the decade since the Trible amendment was passed, hundreds of Federal facilities throughout the nation have established on-site child care centers which are a tremendous help to our employees.

The General Services Administration has done an excellent job of helping agencies develop child care centers and have adopted strong standards for those centers located in GSA leased or owned space. However, there are over 100 child care centers located in Federal facilities that are not subject to the GSA standards or any other laws, rules, or regulations to ensure that the facilities are safe places for our children. Parents, placing their children in a federal child care center, assume that the centers must minimally meet state and local child care licensing rules and regulations. They assume that the centers are subject to independent oversight and monitoring to continually ensure the safety of the premises.

Yet, that is not the case. In a case where a Federal employee had strong reason to suspect the sexual abuse of her child by an employee of a child care center located in a Federal facility, local child protective services and law enforcement personnel were denied access to the premises and were prohibited from investigating the incident. Another employee’s child was repeatedly injured because the child care providers under contract with a Federal agency to provide on-site child care services failed to ensure that age-appropriate health and safety measures were taken. Current law says they were not required to do so, even after the problems were identified and injuries had occurred.

It is time to get our own house in order. We must safeguard and protect the children receiving services in child care centers housed in Federal facilities. Our employees should not be denied some assurance that the centers in which they place their children are accountable for meeting basic health and safety standards.

The Federal Employees Child Care Act will require all child care services located in Federal facilities to meet, at the very least, the same level of health and safety standards required of other child care centers in the same geographical area. That sounds like common sense, but as we all know too well, common sense is not always reflected in the law. This bill will make that clear.

Further, this legislation demands that Federal child care centers begin working to meet these standards now. Not next year, not in two years, but now. Under this bill, after six months the portion of the child will look at the child care centers again, and if a center is not meeting minimal state and local health and safety regulations at that time, that child care facility will be closed until it does. I can think of no stronger incentive to get centers to comply.

The legislation makes it clear that State and local standards should be a floor for basic health and safety, and not a ceiling. The role of the Federal Government, and, I like to tell GSA accreditation in GSA-owned and leased facilities, and has stated that almost all of its centers are either in compliance or are strenuously working to get there. This is the kind of tough standard we should strive for in all of our Federal child care centers.

Federal child care should mean something more than simply location on a Federal facility. The Federal Government has an obligation to provide safe care for its employees, and it has a responsibility for making sure that those standards are monitored and enforced. Some Federal employees receive this guarantee. Many do not. We can do better.

I urge swift passage of these important child care bills and hope that my colleagues on both sides of the aisle will join me in this effort.

By Mr. JEFFORDS (for himself, Mr. STEVENS, Mr. KENNEDY, Mr. CLELAND, and Mr. DODD):

S. 1005. A bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs for the purpose of keeping at least 80 percent of youth actively participating in youth development programs show decreased rates of school failure and absenteeism, teen pregnancy, delinquency, substance abuse, and violent behavior.

We must know that risk taking behavior increases with age. One-third of the high school juniors and seniors participate in two or more health risk behaviors. That is why it is important to build youth development infrastructures. And I believe we owe them that. Idealistic, this legislation demands that youth and parents be part of the decision-making process. Children aged 10 to 19. This encompasses both the critical middle-school years, as well as the increasingly risky high school years.

The Younger American’s Act is about creating a national policy on youth. Up until now, government has responded to kids after they have gotten into trouble. We must take a new tack. Instead of just treating problems, we have to promote healthy development. We have to remember that just because a kid stays out of trouble, it doesn’t mean that he or she is ready to handle the responsibilities of adulthood. Kids want direction, they want close bonds with parents and other adult mentors. And I believe we owe them that. Ideally, this comes from strong families, but communities and government can help.

The United States does not have a cohesive federal policy on youth. Creating an Office on National Youth Policy within the White House not only raises the priority of youth on the Federal agenda, but provides an opportunity to more effectively coordinate existing Federal youth programs to increase their impact on the lives of youth.
The Younger Americans Act provides communities with the funding necessary to adequately ensure that youth have access to five core resources: ongoing relationships with caring adults; safe places with structured activities in which to grow and learn; services that promote healthy lifestyles, including those designed to improve physical and mental health; opportunities to acquire marketable skills and competencies; and opportunities for community service and civic participation.

Block grant funds will be used to expand existing resources, create new ones, and help reduce or remove barriers to accessing those resources, and fill gaps to create a cohesive network for youth. The funds will be funneled through States, based on an allocation formula that equally weights population and poverty measures, to communities where the primary decisions regarding the use of the funds will take place. Thirty percent of the local funds are set aside to address the needs of youth who are particularly vulnerable, such as those who are in out-of-home placements, abused or neglected, living in high poverty areas, or living in rural areas where there are usually fewer resources. Dividing the State into regions, or “planning and mobilization areas,” ensures that funds will be equitably distributed throughout a State. Empowering community boards, comprised of youth, parents, and other members of the community, to supervise decisions regarding the use of the block grant funds ensures that the programs, services, and activities supported by the Act will be responsive to local needs.

Accountability is integral to any effective Federal program. The Younger Americans Act provides the Department of Health and Human Services with the responsibility and funding to conduct research and evaluate the effectiveness of funded initiatives. States and the Department are charged with monitoring the use of funds by grantees, and empowered to withhold or reduce funds if problems arise.

The Younger American’s Act will help kids gain the skills and experience they need to successfully navigate the rough waters of adolescence. My twenty-first century community learning centers initiative supports the efforts of schools to operate after school programs that emphasize academic enrich-
practical programs effectively without creating duplicate programs. It is important that we tie together all publicly funded existing youth development programs and build on their success. This bill complements other existing activity like the Work Force Investment Program, in helping young people become productive members of society. Investing in youth in ways like that will pay enormous dividends for communities and our country. I urge all Members of the Congress to join in supporting this important legislation.

Mr. CLELAND. Mr. President, I am very pleased to once again join Senator JEFFORDS as a cosponsor of the Younger Americans Act. The Senator from Vermont has done yeoman's work on this legislation, which seeks to offer the same kind of comprehensive and coordinated support to America's young people that the landmark 1965 Older Americans Act provides to our nation's seniors. By creating an Office of Youth Policy in the House, by authorizing over $5 billion over the next five years to help local community organizations provide needed services and supports to their youth, the Younger Americans Act forgives youth policy which prioritizes the needs of our young people and helps to provide them with the critical resources they need to achieve their full potential and become contributing members of their communities.

The recently released 2001 KIDS COUNT Data Book, a State-by-State report on the conditions facing America's children, found that the well-being of our youth improved over the past decade on seven of ten key KIDS COUNT measures. The national rate of teen deaths by accident, homicide and suicide fell by a substantial 24 percent. The number of teens ages 16-19 who dropped out of high school declined from 10 percent in 1990 to 9 percent in 1998. And there has been a steady decline in the rate of teenage births, which fell by a significant 19 percent between 1990 and 1998.

On the other hand, the 2001 KIDS COUNT Data Book also reports that more than 16 million children have parents who, despite being employed full time, struggle from paycheck to paycheck. In addition, the report finds that the number of single parent households in this country is on the rise. In 1998, 27 percent of families with children were headed by a single parent, up from 24 percent in 1990—and every State but three experienced an increase.

According to the 2000 Census, there was a 14 percent increase in the number of children in America in the last decade—the largest increase in the number of children living in this country since the decade of the 1950s. This significant increase in the under-18 population will undoubtedly mean new challenges and new demands on “our already struggling public education, child care, and family support systems,” as Douglas Nelson, president of the Annie E. Casey Foundation which publishes the KIDS COUNT report, points out. The Younger Americans Act will help this nation meet these new demands by providing a framework which promotes the positive development of all our young people. This is a strategy in marked contrast to previous government policies which respond to youngsters only after they have gotten into trouble. It is a significant fact that more than 200 young people who got into trouble after failing original legislation. As some of my colleagues have pointed out, these youngsters were telling us that it is time to redirect our focus on what is right with our young people, not what is wrong.

The Younger Americans Act will support community-based efforts that provide young people access to five core resources: ongoing relationships with caring adults; safe places with structured activities; services that promote health and healthy life styles; opportunities to acquire marketable skills; and opportunities for community service and civic participation. Such a positive support system ideally comes from strong families, but communities and government can play a part. The successful Head Start and 21st Century Community Learning Centers programs have provided support systems for parents of America's younger children. The Younger Americans Act will provide support structure for our adolescents during the vulnerable years between ages 10 and 19. It stresses the pivotal role of the family and emphasizes the critical importance of parental involvement. James Agee once said: “As in every child who is born, under no matter what circumstances and of no matter what parents, the potentiality of the human race is born again.” The Younger Americans Act recognizes and affirms that an investment in our children is an investment in America’s future.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 47—RECOGNIZING THE INTERNATIONAL OLYMPIC COMMITTEE FOR ITS WORK TO BRING ABOUT UNDERSTANDING OF INDIVIDUALS AND DIFFERENT CULTURES, FOR ITS FOCUS ON PROMOTING THE CIVIL RIGHTS OF ITS PARTICIPANTS, FOR ITS RULES OF TOLERANCE AGAINST DISCRIMINATORY ACTS, AND FOR ITS GOAL OF PROMOTING WORLD PEACE THROUGH SPORTS

Mrs. MURRAY (for herself, Mr. STEVENS, Mrs. FEINSTEIN, and Mr. BREAUX) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

WHEREAS the United States has been actively engaged as a member of the International Olympic Committee (in this resolution referred to as the “IOC”), which was founded in 1894 to implement the goals of modern Olympism;

WHEREAS the Olympic Charter for the IOC contains the fundamental principles of modern Olympism, including—

(1) “Olympism is a philosophy of life, existing and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example as the model for universal fundamental ethical principles”;

(2) “The goal of Olympism is to place everywhere sport at the service of the harmonious development of man, with a view to encouraging the establishment of a peaceful society concerned with the preservation of human dignity”;

(3) “The goal of the Olympic Movement is to contribute to building a peaceful and better world by educating youth through sport practiced without discrimination of any kind as a powerful means of promoting mutual understanding with a spirit of friendship, solidarity, and fair play”;

The activity of the Olympic movement reaches its peak with the bringing together of athletes of the world at the great sports festival, the Olympic Games”;

WHEREAS the Code of Ethics that recognizes the dignity of the individual as one of its primary guarantees;

WHEREAS to safeguard the dignity of participants, the IOC's rules require non-discrimination on “the basis of race, sex ethnic origin, religion, philosophical or political opinion, marital status or other grounds”;

WHEREAS the Code of Ethics specifically prohibits any “practice constituting any form of physical or mental injury” and “all forms of harassment against participants, be it physical, mental, professional or sexual”;

WHEREAS an integral part of the IOC’s Olympic Charter, Code of Ethics, and rules requires the following of strict guidelines in selecting a host city for an Olympic Games;

WHEREAS included in the IOC’s rules are comprehensive and prescriptive criteria and methods by which to assess a candidate’s application;

WHEREAS the IOC’s Evaluations Committee invites and considers the candidates, 11 different areas of site analysis, including government support and public opinion, critical infrastructure availability, finance, security, and experience;

WHEREAS the IOC has made environmental conservation the third pillar of Olympism, with the other pillars being sport and culture;

WHEREAS the IOC requires host cities to conduct an environmental impact statement, consult with environmental organizations, and implement an environmental action plan for the Olympic Games;

WHEREAS a primary goal of the IOC is world peace and understanding, and, in pursuit of the goal, the IOC strives to maintain a separate environment from international politics;

WHEREAS the IOC wants to keep my self free from any political or commercial influenc…
Whereas the IOC’s Code of Ethics states that “the Olympic parties shall neither give nor accept instructions to vote or intervene in a given manner with the organs of the IOC”;

Whereas the IOC is involved in humanitarian affairs through its involvement with the United Nations High Commissioner for Refugees, the United Nations Programme, International Labour Organization, and the International Committee of the Red Cross; and

Whereas following the issuance of the Report of the Special Bid Oversight Commission, the “Mitchell Commission”, both the United States Olympic Committee and the IOC ratified a number of reforms regarding the selection of Olympic Games host cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the IOC for the Committee’s—
(A) duty to bring about understanding of individuals and different cultures;
(B) focus on protecting the civil rights of its participants;
(C) rules of intolerance against discriminatory acts; and
(D) goal of promoting world peace through sports;
(2) encourages members of the IOC from the United States to abide by all rules of the IOC when considering and voting for host cities for future Olympic Games;
(3) believes that any government action designating a preference or displeasure with any Olympic Games candidate host city is inconsistent with the IOC’s Olympic Charter, Code of Ethics, and rules; and
(4) endorses the concept of the Olympic Games being a competition between athletes in individual or team events and not between countries.

Mrs. MURRAY. Mr. President, I come to the floor today to submit a resolution in support of the Olympic Games, and in particular, in support of Olympic athletes.

The United States has a proud Olympic Games history. Thousands of Americans have represented our country at the Summer and Winter Games.

Numerous U.S. cities have hosted the Games, and cities all across our country hope to host the Olympic Games in the future just as Salt Lake City will host the Winter Games next year.

Let me share with my colleagues the story of one Olympian from my home state. Her name is Megan Quann.

Late last year, following the Sydney Summer Games, more than 1,000 people crowded the streets of Puyallup, Washington, to see and to celebrate Megan Quann.

At the time, Megan was a 16-year-old junior at Emerald Ridge High School. She had just returned from Australia where she shocked the world by winning two Olympic Gold Medals in the swimming competition.

Megan’s hometown was ecstatic. October 29 was officially declared “Megan Quann” day in Puyallup. She was honored in her town in a parade that was led by local Cub Scouts, Brownies, and swimmers from a local club.

On that day, Megan’s community erupted in pride in the accomplishments of their young athlete, a neighbor and a classmate.

It was a great day for Puyallup and for Washington state. Unfortunately, I was not there. But, like most of my constituents, I followed Megan at the Olympics, and I cheered as she set a new American record in one of her events.

And like all Americans, I was so proud of her success on the medal stand—awe struck in her achievement—as the national anthem of our country played in the background.

Mr. President, I don’t think any of us ever tire of seeing an American athlete being recognized as an Olympic champion.

We can’t help but be moved when we see one of our own standing there—often with tears in their eyes—and the American flag on display for the whole world to see.

The Olympic Games can be an enigmously patriotic experience for the athletes and all of us who watch the competitions. But the Olympics aren’t just about patriotism. They are also about athletes bonding and coming together to share in competition.

Many Americans know the story of the Lithuanian basketball team which was embraced by the world following the collapse of the Soviet Union.

And, of course, the Jamaican bobsled team is famous for its efforts to compete in the Winter Games.

Time and again, we have seen Olympic athletes support each other in competition. They give their support freely, without consideration for nationality, religion, politics, or sex.

That devotion to sport is at the heart of the Olympic Movement worldwide and that celebration of sport is one reason why more than a thousand of my constituents came out to celebrate Megan Quann’s achievements at the Sydney Olympic Games.

I have come to the floor to introduce a resolution which will hopefully ensure that another athlete like Megan can dedicate her life to the Olympic dream without the fear of seeing that dream die at the hands of political interference from the U.S. or elsewhere.

In working on this issue, I have reached out to Olympians. I am proud that in my own State, there are more than 180 Olympians, including 46 who competed at the Sydney Summer Games.

Nationwide, there are some 8,000 living Olympians. I appreciate the willingness of Washington’s Olympians to review this resolution and to share their input.

And I appreciate the many other Olympians who have shared their views on the issues now before the United States Congress.

It is abundantly clear to me that U.S. Olympians do not want the Congress to mix politics with sport. Most Olympians do not want the Congress to introduce or consider any legislation regarding the Olympic Games.

I agree with them. I too wish the Congress would not inject itself into the Olympic Movement.

Unfortunately, U.S. politicians have once again decided to mix politics with the Olympics. We only need to look back a short 20 years to see the painful and costly results of politicizing the Olympics.

In 1980, a generation of young Olympians did not get to participate in the Moscow Games due to the U.S. boycott.

More than 5,000 athletes—including more than 1,000 Americans—did not get to participate in the 1980 Moscow Summer Olympic Games.

Approximately 25 athletes from Washington state were barred from the 1980 Moscow Summer Games.

We have received strong support from this group of very special athletes, and I want to mention a few today.

I particularly want to thank Caroline Holmes. Caroline was a 1988 Olympic Gymnast. She is now the Chair of the Washington State Olympic Alumni Association. She is a champion for Olympic athletes, and I very much appreciate her assistance.

Harville was also an Olympian. She was on the rowing team. Today, she’s the women’s crew coach at the University of Washington. She’s still very active with her fellow 1980 Olympians.

Paul Enquist from Seattle was also a rower on the 1980 team. Paul was able to compete and win a gold medal in the 1984 Los Angeles Games.

Matt Dryke was a skeet shooter on the 1980 team. Matt also went on to compete in later Olympic Games. In 1994, he won a Gold Medal.

Wendy Boglioli and Camille Wright were two swimmers on the 1980 team. Wendy ended her Olympic career when the U.S. boycotted Moscow.

Here’s what Wendy had to say when asked about once again mixing politics with the Olympic Games:

It would be wrong for the Congress to interfere in the Olympic site selection process. I was there in 1980. I was one of 50 athletes invited to meet at the White House with President Carter regarding the Moscow Olympics. I am still upset that athletes had no voice in the 1980 decision. Mixing politics with the Olympics will only hurt future athletes.

The 1980 Olympic Boycott was difficult for this country. Athletes sued the United States Olympic Community.

The Government threatened the U.S. Olympic Committee, and the President pressured other world leaders to join the U.S. led boycott.

Lost in the political squabble were U.S. athletes and for some, a lifetime of commitment and preparation.

The Soviets, as we know, boycotted the 1984 Los Angeles Games. And again, the athletes were the victims. Consider this fact: In the 1980 Moscow Games, the East German team won the women’s 4 by 100 relay race with a time of 41.66 seconds.

At the 1984 Los Angeles Games, the US team won the same relay race with a time of 41.65 seconds. The U.S. and East German teams within five one-hundredths of a second.

Knowing all of this, I wish these two great Olympic champion relay teams...
could have competed against one another in Olympic competition. It is a sad part of our history that politicians kept this great race from happening in the Olympics.

With the benefit of history, we know that the Olympic boycotts were futile and ineffective attempts to settle cold war disputes.

I believe we should do absolutely all that we can to ensure this never happens again.

No one can foretell the future and what actions might be called for to protect our country’s national interest, but we should never again lose sight of the interests of our athletes.

Unfortunately, Members of Congress are politicizing the Olympic Games. My resolution has one primary objective—to separate politics from sport and particularly from the Olympic Games. Simply put, I believe politics has no place in the dreams of future Olympians.

I want to thank Senator Ted Stevens for joining me in this effort. Senator Stevens has a long history of involvement with the Olympic Movement.

I am not aware of another elected official in this country who has done more for U.S. athletes than Senator Stevens. And I thank the Senator for once again standing up for the interests of U.S. athletes.

The Murray/Stevens resolution on the Olympics has a number of key provisions and clauses. However, I want to focus on three sections which represent the real intent of my bill.

First, our resolution encourages members of the International Olympic Committee to abide by all rules of the IOC when considering and voting for host cities for future Olympic Games.

Moreover, I believe it is necessary for the IOC to take a stand against efforts to reject all political influences on their work as members of the IOC, including their votes on host cities for future Olympic Games.

Second, our resolution recognizes that any government action designating a preference or displeasure with any Olympic Games host city is inconsistent with the IOC’s Charter, Code of Ethics and rules.

Essentially, this provision says the IOC should not condone knowledge or consider any political interference in the host city selection process for future Olympic Games.

And finally, our resolution says the Olympic Games are about the athletes, that we do not endorse the concept that the Olympic Games are a competition between athletes in individual and team events and not between countries.

We believe the Olympic Games are best left to the athletes. It is that simple.

I encourage my colleagues to consider this issue carefully in the days ahead. And I invite all Senators to join me in seeking to reject political interference in the Olympic Movement.

I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 792. Mr. WARNER (for himself, Mr. SMITH of Oregon and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, which was ordered to lie on the table.

SA 793. Mr. REID (for himself and Mr. LEAHY) proposed an amendment to the bill S. 487, 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 copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.

SA 794. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, supra.

TEXT OF AMENDMENTS

SA 792. Mr. WARNER (for himself, Mr. SMITH of Oregon and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, which was ordered to lie on the table, as follows:

At the end, add the following:

SEC. ----. RECIPIENTS OF FEDERAL PELL GRANTS WHO ARE PURSUING PROGRAMS OF STUDY IN MATHEMATICS OR SCIENCE (INCLUDING COMPUTER SCIENCE OR ENGINEERING).

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended by adding at the end the following:

"(C)(i) Notwithstanding subparagraph (A) and subject to the case of a student who is eligible under this part and who is pursuing a degree with a major or minor in, or a certificate or program of study relating to, mathematics or science (including computer science or engineering), the amount of the Federal Pell Grant shall be 150 percent of the amount specified in clause (v) of subparagraph (A), for the academic year involved, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.

(ii) No student who received a Federal Pell Grant for academic year 2000-2001 prior to the date of enactment of the Better Education for Students and Teachers Act shall receive a subsequent Federal Pell Grant in an amount that is less than the amount of the student’s Federal Pell Grant for academic year 2000-2001, due to the requirements of clause (i)."

SA 793. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, 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 copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes; as follows:

On page 9, lines 14 and 15, strike ‘‘, in the ordinary course of their operations,’’ and insert ‘‘reasonably’’.

SA 794. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, 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 copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes; as follows:

Amend the title so as to read: ‘‘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 copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.’’.
employment; and
bodies as a part of their official duties or em-
for which the transmission is made; or
content of the transmission;
lated and of material assistance to the teaching
of an instructor as an integral part of a class
displayed in the course of a live classroom ses-
cal work or reasonable and limited portions of
ance or display that is given by means of a copy
110 of title 17, United States Code, is amended—
SECTION 1. EDUCATIONAL USE COPYRIGHT EX-
on the Judiciary with an amendment
has been reported from the Committee
purposes.
of a single copy of such performances or dis-
ment provisions, to provide that the making
of a single copy of such performances or dis-
plays is not an infringement, and for other
purposes.
There being no objection, the Senate
proceeded to consider the bill, which has
been reported from the Committee
on strike all after the enacting clause
and insert the part printed in italic.
SECTION 1. EDUCATIONAL USE COPYRIGHT EX-
(a) SHORT TITLE.—This Act may be cited as
the "Technology, Education, and Copyright
Harmonization Act of 2001".
(b) EXEMPTION OF CERTAIN PERFORMANCES
and DISPLAYS FOR EDUCATIONAL USES.—Section
110 of title 17, United States Code, is amended—
(1) by striking paragraph (2) and inserting the following:
"(2) except with respect to a work produced or
marketed primarily for performance or display
as part of mediated instructional activities
transmitted via digital networks, or a perform-
ance or display that is given by means of a copy
or phonorecord that is not lawfully made and
acquired, the instruction, title, and the transmis-
ing government body or accredited nonprofit edu-
cational institution knew or had reason to be-
lieve was not lawfully made and acquired, the
performance of a nonromatic literary or musi-
cal work or reasonable and limited portions of
any other work, or display of a work in an
amount comparable to that which is typically
displayed in the course of a live classroom ses-
ion, or in the course of a transmission, if—
(A) the performance or display is made by, at
the direction of, or under the supervision of an
integral part of a class session offered as a regular
part of the system
atic mediated instructional activities of a gov-
ernmental body or an accredited nonprofit edu-
cational institution;
(B) the performance or display is directly re-
lated and of material assistance to the teaching
content of the transmission;
(C) the transmission is made solely for, and,
to the extent technologically feasible, the recep-
tion of such transmission is limited to—
(i) students officially enrolled in the course
for which the transmission is made; or
(ii) officers or employees of governmental
bodies as a part of their official duties or em-
ployment; and
(2) with respect to an institution providing
post-secondary education, shall be as deter-
mined by a regional or national accrediting
agency recognized by the Council on Higher
Education Accreditation or the United States
Department of Education; and
(b) with respect to an institution providing
elementary or secondary education, shall be as
recognized by the applicable state certification
or licensing procedures.
For purposes of paragraph (2), no govern-
mental body or accredited nonprofit educational
institution shall be liable for infringement by
reason of the transient or temporary storage of
material carried out through the automatic
technical processes of a digital transmission of
conversions of print or other analog versions of
works into digital formats, except that such con-
version is permitted hereunder, only with re-
spect to the amount of such works authorized to
be performed or displayed under section 110(2), if—
"(A) no digital version of the work is avail-
able to the institution; or
"(B) the digital version of the work that is
available to the institution is subject to techno-
logical protection measures that prevent its use
for section 110(2)."
(2) TECHNICAL AND CONFORMING AMEND-
MENT.—Section 802(c) of title 17, United States
Code, is amended in the third sentence by strik-
ing "section 112(f)" and inserting "section 112(g)".
(d) PATENT AND TRADEMARK OFFICE RE-
PORT.—In general.—Not later than 180 days after
the date of enactment of this Act and after a pe-
riod for public comment, the Undersecretary of
Commerce for Intellectual Property, after con-
sultation with the Register of Copyrights, shall
submit to the Committees on the Judiciary of the Senate and the House of Representatives a re-
port describing technological protection systems
that have been implemented, are available for
implementation, or are proposed to be developed
to protect digitized copyrighted works and pre-
vent infringement, including upgradeable and
self-repairing systems, and systems that have been
developed, are being developed, or are pro-
posed to be developed in private voluntary in-
dustry-led entities through an open broad based
consensus process. The report submitted to the
Committees shall not include any recommenda-
tions, comparisons, or comparative assessments
of any commercially available products that may
be mentioned in the report.
(2) LIMITATIONS.—The report under this
subsection—
(A) may be mentioned in the report.
(b) shall not be construed to affect in any
way, either directly or by implication, any pro-
vision of section 110 of title 17, United States
Code, including the requirements of clause (ii)
of section 110(2)(D) of that title (as added by this Act), or
the interpretation or application of such provi-
sions, including evaluation of the compliance
with that clause by any governmental body or
nonprofit educational institution.
Mr. LEAHY. Madam President, I am
pleased that the Senate is considering
the TEACH Act, S. 487, today. This leg-
islation will help clarify the law and
allow educators to use the same rich
material in distance learning over the
Internet that they are able to use in
face-to-face classroom instruction. The
Senate has been focused on education
reform for the past two months. The
legislation we report today reflects our
understanding that we must be able to
use new technologies to advance our
education goals in a manner that rec-
ognizes and protects copyrighted
works.

The genesis of this bill was in the
Digital Millennium Copyright Act
(DMCA), where we asked the Copyright
Office to study the complex copyright
issues involved in distance education and to make recommendations to us for any legislative changes. The Copyright Office released its report in May, 1999, and made valuable suggestions on how modest changes in our copyright law could go a long way to foster the appropriate use of copyrighted works in valid distance learning activities. Senator HATCH and I then introduced the TEACH Act, S. 487, relying heavily on the legislative recommendations of that report.

Marybeth Peters, the Registrar of Copyrights, and her staff deserve our heartfelt thanks for that comprehensive study and their work on this legislation.

At the March 13, 2001, hearing on this legislation, we heard from people who both supported the legislation and had concerns about it. I appreciate that some copyright owners disagreed with the Copyright Office’s conclusions and believed instead that current copyright laws are adequate to enable and foster legitimate distance learning activities. We have made efforts in refining the original legislation to address the valid concerns of both the copyright owners and the educational community. This has been a necessary process and I want to extend my thanks to all of those who worked hard and with us to craft the legislation reported by the Judiciary Committee and considered by the Senate today.

The growth in distance learning is exploding, largely because it is responsive to the needs of older, non-traditional students. The Copyright Office, “CO,” report noted two years ago that, by 2002, the number of students taking distance education courses will represent 15 percent of all higher education students. Moreover, the typical average distance learning student is 34 years old, employed full-time and has previous college credit. More than half are women. In increasing numbers, students in other countries are benefitting from educational opportunities here through U.S. distance education programs. (CO Report, at pp. 19–20).

In high schools, distance education makes advanced college placement and college equivalency courses available—a great opportunity for residents in our more-rural states. In colleges, distance education makes lifelong learning a practical reality.

Now, the development of distance education make it more convenient for many students to pursue an education, for students who have full-time work commitments, who live in rural areas or in foreign countries, who have difficulty obtaining child or elder care, or who have physical disabilities, distance education may be the only means for them to pursue an education. These are the people with busy schedules who need the flexibility that on-line programs offer: virtual classrooms accessible when the student is ready to log-on.

In rural areas, distance education provides an opportunity for schools to offer courses that their students might otherwise not be able enjoy. It is therefore no surprise that in Vermont, and many other rural states, distance learning is a critical component of any quality educational and economic development system. The most recent Vermont Television Education Commission Plan, which was published in 1999, identifies distance learning as being critical to Vermont’s development. It also recommends that Vermont consider using its purchasing power to accelerate the introduction of new [distance learning] services in Vermont.”

Technology has empowered individuals in the most remote communities to have access to the knowledge and skills necessary to improve their education and ensure they are competitive for jobs in the 21st Century.

Several years ago, I was proud to work with the state in establishing the Vermont Interactive Television network. This constant two-way video-conferencing system can reach communities, schools and businesses in even the most remote corner of the state. Since we first successfully secured funds to build the backbone of the system, Vermont has constructed fourteen sites. The VIT systems have full capacity and has demonstrated that in Vermont, technology highways are just as important as our transportation highways.

No one single technology should be the platform for distance learning. In Vermont, creative uses of available resources have put in place a distance learning system that employs T-1 lines in some areas and traditional internet modem hook-ups in others. Several years ago, the Grand Isle Supervisory Union received a grant from the U.S. Department of Agriculture to link all the schools within the district with fiber optic cable. There are not a lot of students in this Supervisory Union but there is a lot of need for one school to another. The bandwidth created by the fiber optic cables has not only improved the educational opportunities in the four Grand Isle towns, but it has also provided a vital economic boost to the area’s businesses.

While there are wonderful examples of the use of distance learning inside Vermont, the opportunities provided by these technologies are not limited to the states. Even one college in another country. Champlain College, a small school in Burlington, Vermont has shown this is true when it adopted a strategic plan to provide distance learning for students throughout the world. Under the leadership of President Roger Perry, Champlain College now has more students enrolled than any other college in Vermont. The campus in Vermont has not been overwhelmed with the increase. Instead, Champlain now teaches a large number of courses through its unique on-line curriculum. Similarly, Marlboro College in Marlboro, Vermont, offers innovative graduate programs designed for working professionals with classes that meet not only in person but also online.

The Internet, with its interactive, multi-media capabilities, has been a significant development for distance learning. By contrast to the traditional, passive approach of distance learning where a student located remotely from a classroom was able to watch a lecture being broadcast at a fixed time over the air, distance learners today can participate in real-time conversations, or in simultaneous multimedia projects. The Copyright Office report confirmed what I have assumed for some time—that “the computer is the most versatile of distance education instruments,” not just in terms of flexible schedules, but also in terms of the material available.

More than 20 years ago, the Congress recognized the potential of broadcast and cable technology to supplement classroom teaching, and to bring the classroom to those who, because of their disabilities or other special circumstances, are unable to attend classes. We included in the present Copyright Act certain exemptions for distance learning, in addition to the general fair use exemption. The time has come to do more, as reported by the Web-Based Education Commission, headed by former Senator Bob Kerrey, says:

Current copyright law governing distance education . . . was based on broadcast model for telecourses for distance education. That law was not established with the virtual classroom in mind, nor does it resolve emerging issues of multimedia online, or provide a framework for permitting digital transmissions.

The Kerrey report concluded that our copyright laws were “inappropriately restrictive.” (p. 97).

Under current law, the performance or display of any work that is in fixed form over the air constitutes a transmission subject to the exclusive rights of a copyright owner. However, the TEACH Act makes three significant exceptions to that rule: the Copyright Act certain exemptions for distance learning, in addition to the general fair use exemption. The time has come to do more, as reported by the Web-Based Education Commission, headed by former Senator Bob Kerrey, says:

Current copyright law governing distance education . . . was based on broadcast model for telecourses for distance education. That law was not established with the virtual classroom in mind, nor does it resolve emerging issues of multimedia online, or provide a framework for permitting digital transmissions. The TEACH Act makes three significant exceptions to that rule: the Copyright Act certain exemptions for distance learning.
to copyright owners that are inherent in exploiting works in a digital format. First, the bill eliminates the current eligibility requirements for the distance learning exemption that the instruction occur in a physical classroom or that special circumstances prevent the availability of the material in the classroom. At the same time, the bill would maintain and clarify the requirement that the exemption is limited to use in mediated instructional activities of governmental bodies and accredited non-profit educational institutions.

Second, the bill clarifies that the distance learning exemption covers the transient or temporary copies that may occur through the automatic technical process of transmitting material over the Internet.

Third, the current distance learning exemption only permits the transmission of the performance of “non-dramatic literary or musical works,” but does not allow the transmission of moving images or the performance of plays. The Kerrey Commission report cited this limitation as an obstacle to distance learning in current copyright law and noted the following examples: A music instructor may play songs on the radio to the students in a classroom, but must seek permission from copyright holders in order to incorporate these works into an online version of the same class. A children’s literature instructor may routinely display illustrations from children’s books in the classroom, but must get licenses for each one for an online version of the course.

To alleviate this disparity, the TEACH Act amend current law to allow educators to show reasonable and limited portions of dramatic literary and musical works, audiovisual works, and sound recordings, in addition to the complete versions of non-dramatic literary and musical works which are currently exempted.

This legislation is a balanced proposal that expands the educational use exemption in the copyright law for distance learning, but also contains a number of safeguards for copyright owners. In particular, the bill excludes from the exemption those works that are produced primarily for instructional use, because for such works, unlike entertainment products or materials of a general educational nature, the copyright protection has historically helped provide the incentive for the development of such content.

In addition, the bill requires that the government or educational institution using the exemption transmit copyrighted works that are lawfully made or acquired and use technological protection safeguards to protect against retention of the work and ensure that the dissemination of material covered under the exemption is limited only to the students who are intended to receive it.

Finally, the bill directs the Patent and Trademark Office to report to the Congress on the impact of the various technological protection systems in use, available, or being developed to protect digitized copyrighted works and prevent infringement, including those being developed in private, voluntary, industry-specific initiatives through an open and balanced consensus process. The original version of this study proposed by Senator HATCH in an amendment filed to the Elementary and Secondary Education bill, S. 1, proved highly controversial.

I appreciate that copyright owners are frustrated at the pace at which technological measures are being developed and implemented to protect digital copyrighted works, particularly as high-speed Internet connections and broadband service becomes more readily available. At the same time, computer and software manufacturers and providers of Internet services are appropriately opposed to the government-mandated use of a particular technological protection measure or setting the specification standards for such measures. Indeed, copyright owners are a diverse group, and some owners may want more flexibility and variety in the technical protection measures as they face new available works that would result if the government intervened too soon and mandated a particular standard or system. I am glad that with the constructive assistance of Senator CANTWELL and other members of the Judiciary Committee, we were able to include a version of the PTO study in the bill that is limited to providing information to the Congress.

Distance education is an important issue to both Senator HATCH and to me, and all of our States. This is a good bill and I urge the Congress to act promptly to see this legislation enacted.

Mr. HATCH. Madam President, I am pleased that we will pass out of the Senate today S. 487, the “Technology Education and Copyright Harmonization Act” or fittingly abbreviated as the “TEACH Act,” which updates the educational use provisions of the copyright law to account for advancements in digital transmission technologies that support distance learning. But first I want to thank the Ranking Member for his work and partnership on this legislation. We have done it in a bipartisan, consensus-building manner. I would also like to thank the various representatives of the copyright owner and education communities who have worked so hard with us to achieve this consensus and move this legislation forward.

They have worked in the spirit of cooperation toward the shared goal of helping our students learn better through technology and the media. I would also like to thank the Register of Copyrights, and her staff at the Copyright Office, for their help and technical assistance. They have done an admirable job in helping us move forward the deployment of the Internet and digital transmissions systems in education.

I want to thank them for their hard work. I am confident we have an important education reform that can be sent to, and signed by, the President with broad, bipartisan support in the coming month.

Distance education, and the use of high technology tools such as the Internet in education, hold great promise for students in States like Utah, where distances can be great between students and learning opportunities. I think it is similarly important for any State that has students who seek broader learning opportunities than they can reach in their local area. Any education reforms moved in the Congress this year should include provisions that help deploy high technology tools, including the Internet, to give our students the very best educational experience we can offer. I believe this legislation is an important part of truly effective education reform that can open up new vistas to all our students, while potentially costing less in the long run to provide a full education experience.

By using these tools, students in remote areas of my home State of Utah are becoming able to link up to resources previously available only to those in cities or at prestigious educational institutions. Limited access to language instructors in remote areas or particle accelerators in most high schools limit access to educational opportunities. These limits can be overcome to a revolutionary degree by online offerings, which can combine video, text, and audio in exciting new ways. And new experiences that transcend what is possible in the classroom, such as hypertexts linked directly to secondary sources, are possible only in the online world.

With the advent of the Internet and other communications technologies, classrooms need no longer be tied to a specific location or time. As exciting as distance education is, online education will only thrive if teachers and students have affordable and convenient access to the highest quality educational materials. The goal of the TEACH Act is to update the educational provisions of the copyright law for the 21st century, allowing students and teachers to benefit from deployment of advanced digital technologies.

Specifically, the TEACH Act amends sections 110(2) and 112 of the Copyright Act to facilitate the growth and development of digital distance learning. First, the legislation expands the scope of the section 110(2) exemption to apply to the transmissions of certain categories of copyrighted works subject to reasonable limitations on the portion or amount of the work that can be
digitally transmitted. Thus, for example, the Act allows transmissions to locations other than the physical classroom, and includes audiovisual works, sound recordings and other works within the exemption. At the same time, the bill maintains and clarifies the concept of ‘transient copies,’ which requires that the performance or display be analogous to the type of performance or display that would take place in a live classroom setting.

Moreover, of utmost significance to the copyright owners, the legislation adds new safeguards to counteract the risks posed by digital transmissions in an educational setting. For example, the bill imposes obligations to implement technological protection measures as well as certain limitations relating to accessibility and duration of transient copies. The Act also amends section 112 of the Copyright Act to permit storage of copyrighted material on servers in order to permit asynchronous use of material in distance education.

This legislation was reported unanimously by the Judiciary Committee, and we expect it will pass the full Senate with ease. Today we will make two non-controversial changes to the legislation as passed by the Committee. First, Senator LEAHY and I have a technical amendment to the title of the bill, which corrects a non-substantive scrivener’s error. Second, we are making a change in the legislative language regarding technological protection measures which makes our intention clearer by bringing the statutory language into closer conformity with our understanding of the provision. These changes are non-controversial and have the same support among the affected parties as the rest of the bill. For the information of my colleagues and those who may use the legislation, I am including a section by section analysis of the bill as amended following my comments, and asked that a copy of that section by section analysis and copies of the two amendments be published immediately following my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1).

Mr. HATCH. A few comments about the study we request from the Patent and Trademark Office included in this legislation. There was some controversy generated in some quarters over an earlier draft of the TEACH Act that directed the Undersecretary for Intellectual Property to provide the Judiciary with information about technological protection measures for copyrighted works online. I must confess, I still do not entirely understand the precise objections to that formulation. One lobbyist, I believe from the Digital Media Association, was asked to study the bill and came back to a rash of class action lawsuits. I have been trying to parse the language to see if this informational report might have also provided for attorneys fees. But, fortunately, such imaginative readings of the language are no longer necessary because we were able to come to some agreement late last night on language that will allow the Committee to receive useful information of the kind that assists the information of our constituents without causing interest rates to increase or the Potomac to run backwards. In all seriousness, I thank those who worked with us late into the night to forge an agreement to move forward on this last issue as part of this consensus legislation. I believe we have a bill that will be good for students, teachers, copyright owners, and information technologists.

But I would like to explain some of the thinking that went into requesting that report. First of all, the report is not designed to be a first step toward the government regulating, mandating, or favoring types of technologies or procedures to protect copyrighted works online. Second, the legislative language makes clear that we do not seek a government comparison of various products that are commercially available. We do not seek such a comparison for whatever reason, whether government picking winners and losers among commercial products, nor in setting the standards that would govern the development of such products. Instead, the trade off is that technological protection will be increasingly important in preventing widespread, unlawful copying of copyrighted works generally, and the Committee wishes to know as much about its capabilities as possible, for ourselves and for our constituents. If this information would be extremely valuable, for example, if the Committee determines in the future that it is appropriate to facilitate the standard-setting process to encourage the implementation of such standards in devices so that creative works can be offered to the public in a secure environment. Encryption, watermarking, and digital rights management systems have been and continue to be developed to protect copyrighted works, but these are just a portion of the possibilities that exist in making the digital environment safe for the delivery of valuable copyrighted works. If, for instance, computers and other digital devices recognized and responded to technological protection measures, a significant portion of the infringing activity that harms copyright owners could be prevented, and the Internet could be a much safer environment for the valuable and quality works that consumers want to enjoy and copyright owners want to deliver online. Therefore, the Undersecretary should include in its study so-called ‘bilateral’ systems that have been or could be developed that would allow technology embedded in computers to communicate with computers and other devices with regard to the level of protection required for that work, as well as unilaterally.

Overall, this legislation will make it easier for the teacher who connects with her students online to enhance the learning process by illustrating music appreciation principles with appropriately limited sound recordings or illustrate visual design or story-telling principles with appropriate movie clips. These wholly new interactive educational experiences, or more traditional ones now made available around the students’ schedule, will be made more easily and more inexpensively by this legislation. Beyond the legislative safe harbor provided by this legislation, opportunities for students and lifetime learners of all kinds, in all kinds of locations, are limited only by the human imagination and the cooperative creativity of the creators and users of copyrighted works. The possibilities for everyone in the wired world are thrilling to contemplate.

I strongly believe that this legislation is necessary to foster and promote distance education while at the same time maintains a careful balance between copyright owners and users. Through the increasing influence of educational technologies, virtual classrooms are popping up all over the country and what we do not want to do is stand in the way of the development and advancement of innovative technologies that offer new and exciting educational opportunities. I think we all agree that digital distance should be fostered and utilized to the greatest extent possible to deliver instruction to students in ways that could have been possible a few years ago. We live at a point in time when we truly have an opportunity to help shape the future by influencing how technology is used in education so I hope my colleagues will join us in supporting this modest update of the copyright law that offers to make more readily available distance education in a digital environment to all of our students.
In addition, because “display” of certain types of works, such as literary works using an “e-book” reader, could substitute for traditional purchases of the work (e.g., a text on an e-book), the term “display” is intended to mean “an amount comparable to that which is typically displayed in the course of a live classroom setting.” This limitation is a further refinement of the concept of the “mediated instructional activity” concept described below, and recognizes that a “display” may have a different meaning and impact in the digital environment. For example, where a display is not in connection with the display right exemption, because, for certain works, display of the entire work could be appropriate and consistent with displays typically made in a live classroom setting (e.g., short poems or essays, or images of pictorial, graphic, or sculptural works, etc.).

The exclusion for works “produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks” is intended to cover only the primary market for a work, i.e., the market for a work’s phonorecord copy or phonorecord that is not lawfully made and acquired, which the transmitting body or institution “knew or had reason to believe was not lawfully made and acquired.” Unlike the current section 110(2), which applies only to public performances of non-dramatic literary or musical works, the amended exemption applies to include performances of reasonable and limited portions of works other than nondramatic literary and musical works (which are currently covered by the exemption), while also limiting the amount of any work that may be displayed under the exemption to what is typically displayed in the course of a live classroom session. At the same time, section 1(b) removes the concept of the physical classroom as the mediated instructional activities of governmental bodies and “accredited” non-profit educational institutions. This section of the Act also limits the amended exemption to exclude performances and displays given by means of a copy or phonorecord that is not lawfully made and acquired, which the transmitting body or institution “knew or had reason to believe was not lawfully made and acquired. In addition, section 1(b) requires the transmitting institution to apply certain technological protection measures to protect against retention of the work by the receiving end-user. The section also clarifies that participants in authorized digital distance education transmissions will not be liable for any infringement by reason of transient or temporary reproductions that may occur through the automatic technical process of a digital transmission for the purpose of a performance or display permitted under the section. Obviously, with respect to such reproductions, the distribution right would not be infringed, i.e., the work would not be transmitted by digital, as well as analog means.

Works subject to the exemption and applicable portions

The TEACH Act expands the scope of the section 110(2) exemption to apply to performances and displays of all categories of copyrighted works, subject to specific exclusions for works "produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks" and performance or displays made by a teacher of a college or university "transmission" is intended to include transmissions by digital, as well as analog means.

Eligible transmitting entities

As under the current section 110(2), the exemption, as amended, is limited to government bodies and non-profit educational institutions. However, due to the fact that, as the Register’s Report points out, “nonprofit educational institutions are no longer a class of educational institutions with which anyone can transmit educational material over the Internet, the amendment would require non-profit educational institutions to be “accredited” in order to provide further assurances that the institution is a bona fide educational institution. It is not otherwise intended to alter the eligibility criteria. Nor is it intended to affect any other provision of the Copyright Act that relates to non-profit educational institutions to imply that non-accredited educational institutions are necessarily not bona fide.

‘Accreditation’ is defined in section 1(b)(2) of the TEACH Act in terms of the qualification of the educational institution. It is not defined in terms of particular courses or programs. Thus, an accredited nonprofit educational institution qualifies for the exemption with respect to its courses whether or not the courses are part of a degree or certificate-granting program.

Qualifying performances or displays; mediated instructional activities

Subparagraph (2)(A) of the amended exemption provides that the exemption applies to performances or displays that the performance or display may be initiated by the instructor as an integral part of a class session. This exemption is intended to require the performance or display to be analogous to the type of performance or display that would take place in a live classroom setting. At the same time, the reference to “mediated instructional activities” is discussed in greater detail below in connection with the scope of the exemption. It is intended to have the same meaning and application here, so that works produced or marketed primarily for activities covered by the exemption would be excluded from the exemption. The exclusion is not intended to apply generally to all educational materials or to all materials having educational uses that are limited to materials whose primary market is “mediated instructional activities,” i.e., materials performed or displayed as an integral part of the class experience, analogous to the type of performance or display that would otherwise fall within the scope of the exemption. The concept of “performance or display as part of mediated instructional activities” is discussed in greater detail below. Any copyrighted work or derivative work that is not part of the class itself is not included in the scope of the exemption. This limitation is in addition to the requirement that the performance or display must take place in a live classroom setting. At the same time, the reference to “mediated instructional activities” is intended to limit the exclusion to materials whose primary market is the digital network environment, not instructional materials that are marketed for use in the physical classroom.

The exclusion of performances or displays “given by means of a copy or phonorecord that is not lawfully made and acquired” under Title 17 is based on a similar exclusion in the current language of section 110(1) for the performance or display of an audiovisual work in the classroom. Unlike the provision in section 110(1), the exclusion here applies to the performance or display of any work. But, as in section 110(1), the exclusion applies only to performances or displays that are authorized by the actual or implied authority of the transmitting body or institution “knew or had reason to believe that the copy or phonorecord was not lawfully made and acquired.” As noted in the Register’s Report, the exclusion is intended to reduce the likelihood that an exemption intended to cover only the equivalent of traditional concepts of performance and display would result in the proliferation or exploitation of unauthorized copies. An educator would typically purchase, license, rent, make a fair use copy, or otherwise lawfully obtain a copy, and works not yet made available in the market (whether by distribution, performance or display) would, as a practical matter, be rendered ineligible for the exemption.

Eligible transmitting entities

As under the current section 110(2), the exemption, as amended, is limited to government, educational and research institutions. This limitation is intended to include transmitters of educational content to a performance or display that would take place in a live classroom setting. However, it is possible to display an entire textbook or e-book reader or similar device or computer application, type of use of such materials as supplemental reading would not be considered to be “accredited” in order to provide an accommodation that would take place in the classroom, and therefore would not be authorized under the exemption.

The amended exemption is not intended to address other uses of copyrighted works in the course of digital distance education, including student use of supplemental or reference materials such as electronic course packs, e-reserves, and digital library resources. Such activities do not
involve uses analogous to the performances and displays currently addressed in section 110(2).

The "mediated instructional activity" requirement is thus intended to prevent the exemption provided by the TEACH Act from displacing textbooks, course packs or other materials, media, or phonorecords of which are typically purchased or acquired by students for their independent use and retention (in most postsecondary educational contexts). The Committee notes that in many secondary and elementary school contexts, such copies of such materials are not purchased directly by the students, but rather are provided for the students' independent use and possession (for the duration of the course) by the institution.

The limitation of the exemption to systematic "mediated instructional activities" in subparagraph (2)(A) of the amended exemption covers together with the exclusion in the opening clause of section 110(2) for works "produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks" to place boundaries on the exemption. The former relates to the nature of the performance or display as part of mediated instructional activities, the duration of the course) by the institution.

One example of the interaction of the two provisions is the application of the exemption to textbooks. Pursuant to subparagraph (2)(A), which limits the exemption to "mediated instructional activities" the display of material from a textbook that would typically be purchased by students in the local classroom environment, in lieu of purchase by the students, would not fall within the exemption. Conversely, because textbooks typically are not primarily produced or marketed for performance or display in the live classroom setting, they would not per se be excluded from the exemption under the exclusion in the opening clause. Thus, an instructor would not be precluded from using a chart or table or other short excerpt from a textbook different from the one assigned for the course during a mediated class session. An excerpt from the assigned textbook that had been purchased by the students.

The requirement of subparagraph (2)(B), that the performance or display of a work be for a governmental body or is prevented by dis-tribution of the students, or as unrelated background materials or classroom handouts.

Unlike current section 110(2), the TEACH Act amendment removes the requirement that transmissions be received in classrooms or similar places of instruction. Conversely, the recipient is an officer or employee of a governmental body or is prevented by disability or special circumstances from attending a classroom or similar place of instruction. One of the great potential benefits of digital distance education is its ability to reach beyond the physical classroom, to provide mediated instructional activities to students of all income levels, in cities and rural settings, in schools and on campuses, in the workplace, at home, and at times selected by the students themselves.

In its place, the Act substitutes the requirement in subparagraph (2)(C) that the transmission be made solely for, and to the extent technologically feasible, the reception is limited to students officially enrolled in the course for which the transmission is made and who are part of the academic program. This requirement is not intended to impose a general requirement of network security. Rather, it is intended to require only that the students or employees authorized to be recipients of the transmission should be identified, and the transmission should be technologically protected from such unidentified or unauthorized recipients through systems such as password access or other similar measures.

Additional safeguards to counteract new risks

The digital transmission of works to students poses greater copyright concerns than transmissions through analog broadcasts. Digital technologies make possible the creation of multiple copies, and their rapid and widespread dissemination around the world. Accordingly, the TEACH Act includes several safeguards not currently present in section 110(2).

First, a transmitting body or institution seeking to invoke the exemption is required to institute policies regarding copyright and to provide information to faculty, students, and others employed with the material with which the course may be subject to copyright protection. These requirements are intended to promote an environment of compliance with the law, information regarding the exceptions under copyright law, and decrease the likelihood of unintentional and uninformed acts of infringement.

Second, in the case of a digital transmission, the transmitting body or institution is required to apply technological measures to prevent (i) the retention of the work in accessible form by recipients to which it sends the work for longer than the class session, and (ii) unauthorized further dissemination of the work in accessible form by such recipients. Measures intended to limit access to authorized recipients of transmissions from the transmitting body or institution (as defined in subparagraph (2)(D)). Rather, they are the subjects of subparagraph (2)(C).

The requirement that technological measures be applied to limit retention for no longer than the "class session" refers back to the requirement that the performance be made as an "integral part of a class session." The assumption is that an asynchronous distance education would generally be that period during which a student is logged on to the server of the institution or particular technology to comply with subparagraph (2)(D)(ii). Other technologies will limit access to or use of encrypted material, and the Committee's intent, by noting the existence of such transmission, or any distribution of the work. This requirement does not impose a duty to guarantee that retention and further dissemination will never occur. Nor does it imply that there is an obligation to monitor recipient conduct. Moreover, the "reasonably prevent" standard should not be construed to imply perfect efficacy in stopping retention or further dissemination. "Reasonably prevent" contemplates an objectively reasonable standard regarding the ability of a technological protection measure to achieve its objective. Examples of technological protection measures that exist today and would reasonably prevent retention and further dissemination, include measures used in conjunction with streaming to prevent the copying of streamed material, such as the Real Player "Secret Handshake/Copy Switch" technology discussed in Real Networks v. Streambox, 2000 WL 127311 (Jan. 18, 2000) or digital rights management systems that limit access to or use of encrypted material downloaded onto a computer. The Committee's intent, by noting the existence of the foregoing, to specify the use of any particular technology to comply with subparagraph (2)(D)(i), cors will certainly evolve. Further, it is possible that, as time passes, a technological protection measure may cease to reasonably prevent retention of the work in accessible form for longer than the class session and further dissemination of the work. Either due to the evolution of technology or to the widespread availability of a technology previously only rarely used by the public. In those cases, a transmitting organization would be required to apply a different measure.

Paragraph (2)(D)(ii) should be construed to affect the application or interpretation of section 1201. Conversely, nothing in section 1201 should be construed to affect the application or interpretation of section 110(2).

Transitive and temporary copies

Section 1201(b) of the TEACH Act implements the Register's recommendation that liability not be imposed upon those who participate in digitally transmitted performances and displays authorized under this subsection by reason of copies or phonorecords in existence at the time of the transmission of such performance or display and the distribution of such transmission, or any distribution resulting therefrom. Certain modifications
have been made to the Register’s recommendations to accommodate instances where the recommendation was either too broad or not sufficiently broad to cover the appropriate activities. The Committee considered the Register’s concern that the exemption should not be translated into a mechanism for obtaining copies, the paragraph also required that the system or network controlled or operated by the transmitting body or institution shall not be maintained on such system or network “in a manner ordinarily accessible to anyone other than anticipated recipients” or “in a manner ordinarily accessible to such anticipated recipients for any purpose other than being used and to whom it will be transmitted as a provocation of course.

The paragraph refers to “transient” and “temporary” copies consistent with the terminology used in section 112, including the frequent copying in the transmission path by conduits and temporary copies, such as caches, made by the originating institution, by service providers or by recipients. Organizations providing digital distance education will, in many cases, provide material from source servers that create additional temporary copies or phonorecords, and the material in storage known as “caches” in other servers in order to facilitate the transmission. In addition, transient or temporary copies or phonorecords may occur in the transmission stream, or in the computer of the recipient of the transmission. Thus, by way of example, where content is protected by a content protection system the recipient’s browser may create a cache copy of an encrypted file on the recipient’s hard disk, and another copy may be created in the recipient’s process memory at the same time the content is perceived. The third paragraph added to the amended exemption by section 1(b)(2) of the TEACH Act is intended to ensure that those authorized to participate in digitally transmitted performances and displays as authorized under section 110(2) are not liable for infringement as a result of such copies created as part of the automatic technical process of the transmission if the requirements of that language are met. The paragraph is not intended to create an exemption for any other unauthorized use.

SUBSECTION (C): EPHEMERAL RECORDINGS

One way in which digitally transmitted distance education transmissions expand on an educator’s educational capacity and effectiveness is through the use of asynchronous education, where students can take a class at their own pace as a specific hour designated by the body or institution. This benefit is likely to be particularly valuable for working adults. Asynchronous education also has the benefit of proceeding at the student’s own pace, and freeing the instructor from the obligation to be in the classroom on a fixed schedule.

In order for asynchronous distance education to proceed, organizations providing distance education transmissions must be able to load material that will be displayed or performed on their servers, for transmission at the request of students. The Register’s amendment to section 112 makes that possible.

Under the subsection 112(f)(1), transmitting organizations authorized to transmit performances or displays under section 110(2) may load on their servers copies or phonorecords of the performance or display authorized to be transmitted under section 110(2) to be sent by transmission. The subsection recognizes that it often is necessary to make more than one ephemeral recording in order to efficiently carry out the transmission, and authorizes the making of such copies or phonorecords.

Subsection 110(2) imposes several limitations on the authorized ephemeral recordings.

First, they must be retained and used solely by the government body or educational institution that made them. No further copies or phonorecords may be made from them, except for copies or phonorecords that are authorized by subsection 110(2), such as the copies that fall within the scope of the third paragraph added to the amended exemption under section 1(b)(2) of the TEACH Act. The authorized ephemeral recordings must be used for such transmissions authorized under section 110(2).

The Register’s Report notes the sensitivity of copyright owners to the digitization of works that are transmitted by the copyright owner. As a general matter, subsection 112(f) requires the use of works that are already in digital form. However, the Committee recognizes works may not be available for use in distance education, either because no digital version of the work is available to the institution, or because the version that is available is subject to technological protection measures that prevent their use for the performances and displays authorized under section 110(2). In those circumstances where no digital version is available to the institution or the digital version that is available is subject to technological measures that prevent its use for distance education, the Committee requires that the conversion be authorized under section 110(2). It should be emphasized that subsection 112(f)(2) does not provide any authorization to convert print or other analog versions of works to digital format except as permitted in section 112(f)(2).

Relationship to fair use and contractual obligations

As the Register’s Report notes “critical to its conclusion and recommendations is the continued availability of the fair use doctrine.” Nothing in this Act is intended to limit or otherwise to alter the meaning of the fair use doctrine. The Register’s Report explains: “Fair use is a critical part of the distance education landscape. Not only instructional performances and displays, but also instructional uses of works, such as the provision of supplementary materials or student downloading of course materials, will continue to be subject to the fair use doctrine. This Act could be translated into the most innovative environment for the creation of creative works we’ve ever seen. This creativity benefits consumers and our economy as a whole.”
copyrighted works have to the well-being of not only my home state of California, but also the economy of the entire Nation.

It has been reported that the copyright industries are creating jobs at three times the rate of the rest of the economy. These industries have a surplus balance of trade with every single country in the world, and that last year they accounted for 5 percent of the U.S. Gross Domestic Product. Few other industries can boast of such a success story, and the protection we grant to copyrighted works is directly responsible for that success.

The message is clear. Striking the appropriate balance in copyright protection is vital to maintaining consumer choice, and in maintaining this vibrant part of the American economy. Sufficient protection means the continue investment in the production of creative works, which results in greater choices for consumers.

Inefficient protection of copyrighted works, on the other hand, will negatively affect the ability and desire of creators and lawful distributors of such works to make the necessary investment of time, money and other resources to continue to create and offer quality works to the public.

That is why we must carefully consider any degradation of that protection, even when proposed limitations would benefit other important segments of society, such as the educational community.

I believe that this legislation strikes the appropriate balance by allowing accredited, nonprofit educational institutions to make certain uses of copyrighted works, but requiring them to technologically protect those works to prevent unauthorized uses by others.

The application of appropriate technological protection to copyrighted works is increasingly important as we move from the analog to the digital world. Technological protection will facilitate the availability of copyrighted works in high-quality, digital formats and in global, networked environments.

That is why the provisions of this legislation directing the Undersecretary of Commerce for Intellectual Property to look at what protective technologies are out there will be of great importance to this Committee in the near future as the online environment and the world of e-commerce develops.

Questions such as whether unilateral protection applied to works by copyright owners will provide a sufficiently secure environment or whether bilateral technologies—which invoke a “handshake” of sorts between the work and the machine used to access the work—should be examined more closely have yet to be answered.

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TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT TONY CARDENAS

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Assemblyman Tony Cardenas, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leadership Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congressman JOE BACA, Congresswoman GRACE NAPOLITANO, Educators Mario Muñiz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Assemblyman Tony Cardenas was first elected to the California State Assembly in 1996 to represent the Northeast San Fernando Valley. The youngest of eleven children, Tony is the product of a modest upbringing, rich in the values of hard work and discipline. As a result, he achieved scholastic, professional, and political success.

Assemblyman Cardenas graduated with an Electronic Engineering degree from the University of California at Santa Barbara where he was on the Dean’s Honor List. After graduation, he worked at Hewlett Packard as an Engineering Specialist. Later he owned and was president of a real estate company in the San Fernando Valley.

During his first term in the Assembly, Assemblyman Cardenas was the only freshman member to serve on both of the influential Assembly fiscal committees: Appropriations and Budget. He also chaired the Budget Subcommittee on Transportation and Information Technology and the Select Committee on Indian Gaming.

In his second term, Assemblyman Cardenas was elected Chairman of the Assembly Democratic Caucus, which is one of the top leadership posts in the Assembly. His duties included maintaining a Democratic majority and formulating a public policy agenda for a productive California. He served on Assembly Committees on Utilities and Commerce; Budget; Banking and Finance; Governmental Organizations; Elections, Reapportionment and Constitutional Amendments; and Budget Subcommittee on Resources. Assemblyman Cardenas continued to chair the Select Committee on Indian Gaming. In June of 2000 Assemblyman Cardenas was named Chairman of the Assembly’s Budget Committee. As Chairman, he is responsible for overseeing the State’s $100 billion budget.

In recognition of his hard work and success in the California Assembly, Cardenas received numerous awards including Legislator of the Year from the California Hispanic Chamber of Commerce, California Indian Legal Services, High Tech Legislative of the Year, American Electronics Association, and Humanitarian Awards from the Valley Family Center and the City of San Fernando.

Assemblyman Cardenas envisions government as a tool to assist citizens on the local level and believes it can serve as a platform to enable the quality of life supported by his legislative agenda. His priority issues include reforming our juvenile justice system, developing strong local economies by encouraging community businesses and assuring our children greater access to education for both immediate and long-term success. He has also sought to streamline government, allowing agencies to improve their services for people statewide and address the quality of healthcare for Californians.

For all that he has done on behalf of the Latino community, we salute Tony Cardenas.

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Simmons T. Valeris, an entrepreneur with a flame burning deep within allowing him to succeed in all of his endeavors. Mr. Valeris has distinguished himself from his peers as being the only minority Multiple Franchise Dealer/Operator of Mobil Oil Corporation in the tri-state area.

Mr. Valeris, a native of Port-au-Prince, migrated to Brooklyn, New York in 1968. He is a graduate of Prospect High School and Long Island University. Simmons T. Valeris furthered his education by entering the Mobil Pre-Installation Dealer Training program, which ultimately led to his success as a Mobil Oil Franchisee. Mr. Valeris can take pride in the fact that he is a life-long learner, constantly keeping up with the latest in technology.

Throughout Valeris’ 27-year career as a Mobil Oil Corporation franchisee he has had an illustrious career with the Mobil Corporation, receiving many awards and honors. For twelve consecutive years, Simmons received recognition for the “Top Retailer Sales” in the region. He also earned seven “Circle of Excellence Awards” for consistently meeting or exceeding corporate objectives.

In addition to his duties at Mobil, Simmons also holds various memberships and is an active member on many community boards including the Boards of the Bronx Community College Auto-Lab as well as the Greater New York Dealers Association.

Aside from his entrepreneurial success, Simmons places an important emphasis on family. He credits his parents, Marie and Timothy Valeris, for raising him. He explains that his mother was a pioneer businesswoman, and hence his inspiration. He vowed to follow in her footsteps and become a successful businessman, and this commitment has led him to his present successes. Simmons’ pride and joy are his two children, Dwayne and Monique.

Mr. Speaker, Simmons T. Valeris has contributed throughout his life to his community as a successful businessman and experienced leader. For his service, he is worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

BRAVO TO THE VICTORY GARDENS THEATER OF CHICAGO

HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I am proud today to congratulate the Victory Gardens Theater in Chicago, Illinois. On Sunday night, they became only the third Chicago theater to receive the prestigious Tony Award for regional theater.

This award, the highest recognition an artist or theater can receive, is given to a regional theater company that has displayed a continuous level of artistic achievement contributing to the growth of theatre nationally. Founded in 1974, by eight Chicago artists, the Victory Gardens Theater has continued to introduce theater-goers to fresh, original, and innovative productions.

I am proud that the nation is finally being let in on a secret we Chicagoans have known for years: that bigger is not always better and that in the end, quality, courage, and determination will be rewarded. I salute the Tony Award-winning Victory Gardens Theater and appreciate the contributions of the Theater to the Chicago community and to the arts.

RECOGNIZING DR. LEILA DAUGHTRY DENMARK

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. BARR of Georgia. Mr. Speaker, 103-Year-Old Tift College Graduate, Dr. Leila Denmark, is still practicing pediatric medicine. She was the third female graduate of the Medical College of Georgia in 1928; the only woman in her class. After her marriage to Mr. Denmark she moved to Atlanta to work at Grady Hospital. When Egleston Children’s Hospital opened, she became its first intern. Dr. Denmark conducted research on whooping cough in the early 1930s, which led to the modern DPT vaccination.

* * * This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor. Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor. * * *
While Dr. Denmark appears extremely frail, she opens her office five days a week from 8 a.m. till late, with no receptionist, nurse or appointment book; just a sign-in sheet on a table. If one of her patients calls, no matter if it is in the morning or on the weekend, she will answer the phone. Dr. Denmark had planned to retire when she was 87, but because of her dedication and love of medicine, she decided only to semi-retire. She is now seeing 15 to 25 patients a day, does all of her file and testing, answers her own phone, and charges all of $8.00 per visit. If you can’t afford even that, there will be no charge.

Dr. Leila Denmark has been honored throughout Georgia for her accomplishments (including the Atlanta Gaslight Award), has appeared on many local and national television shows, such as “Good Morning America,” and in national magazines such as “Ladies Home Journal” and “Family Circle.” She has also written a book entitled “Every Child Deserves A Chance.” She is a shining example of a great American and a Great Georgian, and I am proud to salute her.

TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT IRENE TOVAR

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Irene Tovar, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leadership Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congressman JOE BACA, Congresswoman GRACE NAPOLITANO, Educators Mario Muñiz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Ms. Tovar is Executive Director of the Latin American Civic Association, an organization she co-founded in 1960. Since then Ms. Tovar has dedicated herself to empowering a strong Latino community. Her efforts have led to the establishment of various programs and services, which have provided a strong foundation for the advancement of Latinos not just in the San Fernando Valley but also throughout the State of California.

Her commitment to community issues has resulted in the founding of the San Fernando Valley Neighborhood Legal Services and serving on various boards, task force and commissions. These have included serving on the State of California Public Employees Relations Board, the Los Angeles Mission College Community Advisory Board, Latino Advisory Committee for LAPD, Avid Bernard Parks, Valley Economic Development Center, LAPD Police Commission Warren Christopher Commission Reform Task Force, SVF Hispanic—Jewish Women’s Task Force, Rebuild L.A. Board of Directors, LAPD Foothill Division Community Advisory Board, State of California Advisory Commission on Compensatory Education.

In 1975 Ms. Tovar was appointed by then Governor Edmund G. “Jerry” Brown Jr. to the California State Personnel Board where she served until 1981. Ms. Tovar was not only the first Chicana to serve on the board, that required California State Senate confirmation, but she also served as President of this most important body. Recognizing Ms. Tovar’s leadership abilities Governor Brown appointed her as his Special Assistant a position she held from 1976-1981. During her tenure Ms. Tovar was responsible for the identification and recommendation of Latinos for appointment to State Boards and Commissions. This included the recommendation and appointment of Cruz Reynoso as California Supreme Court Justice.

Ms. Tovar was also responsible for the establishment of the Governor’s Chicana Issues Conference first held in 1980.

Ms. Tovar’s accomplishments have been recognized by various state and city agencies as well as community organizations. She has been the recipient of many honors and awards including the City of Los Angeles City Council Pioneering Woman Award, California State University, Northridge Distinguished Alumni Award, Comision Femenil Woman of the Year, Los Angeles County Commission on the Status of Woman “Woman of the Year” Award, KLVE Feria de la Musa Outstanding Latina of the Year, L.A. Times “Newsmaker for 1999”, Cal-State Northridge La Raza Alumni Association Outstanding Alumni Award, USC El Centro Chicano Cuauhtemoc Award, MALDEF Employment Award, U.S. Congresswoman Jane Hsu Award, and the Los Angeles City Employees Chicano Association Recognition Award, just to name a few.

For all she has done on behalf of the Latino community, we salute Irene Tovar.

TRIBUTE TO EVANSTON TOWNSHIP HIGH SCHOOL CHESS TEAM

HON. JANICE D. SCHRACKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Ms. SCHRACKOWSKY. Mr. Speaker, I rise today to extend congratulations and best wishes to the Evanston Township High School Chess Team for winning its 3rd state championship in four years.

This year’s state meet was held on March 23-24 and the Wildkits team scored 396.5 out of a possible 475 points. Juniors Yuhshua Hosch (6-0-1) and Ben Yarnoff earned first-place individuals records, freshman Jusuf Pekovic placed third, sophomores Daniel Summerhays and Mark Aburano-Meister both took fourth place, and senior David Summerhays placed second. Other members of the championship team include junior Gershon Bialer, senior Aaron Walsman, sophomore Tyler Drendel and freshman Amelia Townsend. Science Teacher Ken Lewandowski is the ETHS team coach and he is assisted by ETHS teachers Paul Kash and Sam Sibley (fattaro).

Adding to the success of this season, the ETHS team also placed at the national chess championship in April coming in 8th (just 4 points away from 1st place) at the championship level and first-place at the intermediate level of play. Gershon Bialer is the national Champion at the Intermediate level and Yuhshua Hosch placed 16th at the championship level.

Mr. Speaker, once again I am proud to congratulate the Evanston chess players on their continued success this year. I appreciate the Chess team’s efforts in maintaining the great tradition of competitive excellence that is associated with the Wildkit name. They have made their school, their families, and the city of Evanston proud.
RECOGNIZING THE RICHARD ENGLISH, JR., PRESIDENT OF THE COMMUNITY ACTION FOR IMPROVEMENT BOARD OF TRUSTEES

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BARR of Georgia. Mr. Speaker, on August 3, 2001, the Community Action For Improvement, Inc. Central Administrative Office in LaGrange, Georgia, will be dedicated in honor of Richard English, Jr., President of the Community Action for Improvement (CAFI) Board of Trustees.

The CAFI Board of Trustees voted unanimously on November 4, 1999, to name the Central Administrative office after Mr. English, in recognition of his many years of service to the agency. He has been a member of the Board for over 24 years.

Mr. English’s life has been dedicated to public service. A U.S. Army veteran, he was elected to the Troup County Board of Commissioners in 1978, and has served in this capacity for 23 years. He has volunteered for numerous boards in the communities CAFI serves, as well as state and national organizations.

He has volunteered in virtually every capacity at CAFI during his tenure, from bagging and carrying groceries to the car for elderly persons participating in the USDA Surplus Commodities Program, to repairing homes in the Weatherization Program.

Mr. English’s leadership has been steady throughout his 22 years as president of the Board of Trustees. He has helped to steer the agency through the changes and modifications to programs and services that have occurred at the federal, state and local levels during his tenure.

I know many citizens from all walks of life will join me in recognizing Richard English, Jr., as a true and valued servant to both the people of Georgia and this country.

TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT AMORY RAMIREZ

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Amory Ramirez, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leadership Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congresswoman Hilda Solis, Congresswoman Grace Napolitano, Educator Mario Muñiz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Amory Ramirez serves as the Executive Director of Quality Children’s Services (QCS). Prior to leading QCS, Amory’s professional experience began with the Encinitas Union School District where she served from 1975 to 1990. Her positions included Bilingual Community Aide, Migrant Statistician, Pre-school Teacher, and Center Director. Amory served as President of the California School Employees Association (CSEA) for six years.

During her 15 years of service in Encinitas she was known as an advocate for children, migrant families, employees and community issues.

In 1990 Amory accepted the position of Associate Program Director with the YMCA of East Bay. Ms. Ramirez supervised two Child Development Centers and five after school child care programs and managed a budget of over $1 million. After two years of proven leadership, Amory Ramirez was promoted to Manager of the Child Development Department and was responsible for 12 childcare sites. By 1998 Ms. Ramirez’s department was responsible for classes throughout the counties of Alameda, Contra Costa, Fresno, Los Angeles, Placer, Sacramento, Santa Clara and Yolo and managed a budget of over $7 million.

Amory received recognition for her leadership skills, fiscal management, staff development, outstanding teamwork and quality child development programs from the YMCA of the East Bay and the California Department of Education.

In 1998 Amory and four colleagues had a dream to establish a non-profit organization that would provide quality services for children and families and empower child development staff while maintaining a fiscally sound program. This dream came true with the formation of Quality Children’s Services.

Since 1998, QCS has operated the Encinitas Migrant Child Development Center serving 72 infants, toddlers and preschool age migrant children. Within two years QCS added five afterschool programs in collaboration with the Encinitas, Poway, and Oceanside School Districts serving 450 students. In 2001 QCS in partnership with SELECO-WIB of Los Angeles and the Madera Coalition for Community Justice will be establishing five additional State Preschool Programs and Child Development Centers. Under Ms. Amory’s leadership, QCS has begun the development of Casa de Niños in Oceanside, California, which will serve 112 preschool children.

Ms. Amory Ramirez is also serving as the Associate Executive Director with the Redlands YMCA and is utilizing her area of expertise to develop strong kids, strong families and a strong community.

For all she has done on behalf of the Latino community, we salute Amory Ramirez.

IN HONOR OF ABDUL-NASSER ADJIEI M.D.

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. Abdul-Nasser Adjei for his commitment to promoting health education and care in the Ghanaian migrant community in New York City.

Dr. Adjei is also the proud husband of Memuna and father of two loving children, Melda and Nasser Jr.

Abdul-Nasser Adjei was born and raised in Ghana, West Africa. While completing his preliminary education, in his native country, he earned an academic scholarship to study medicine in Turkey at the Hacettepe University Medical School. After graduating from medical school, Dr. Adjei migrated to the United States where he continued his education. Dr. Adjei did his residency training at the College of Physicians and Surgeons and Harlem Hospital Center. While there, he specialized in internal medicine with a sub-specialty in cardiology. He then moved to SUNY Downstate to continue his fellowship in cardiovascular medicine.

Dr. Adjei is currently part of a fellowship in cardiovascular medicine at SUNY Downstate Medical Center in Brooklyn, New York; he strives to keep his patients in good health while educating them about their health. In his endeavors to better his patients, Dr. Adjei is under the leadership of Dr. Luther Clark.

As the President of the New York area Ghanaian Association of North America (GANA), Abdul-Nasser Adjei has dedicated the last five years of his life to promoting good health and education for the Ghanaian community. The GANA is a nonprofit organization aimed at improving the lives of Ghanaians both in Ghana and abroad through education and health. The organization has established a scholarship fund for education of indigent children.

Mr. Speaker, Dr. Abdul-Nasser Adjei has devoted his life to educating his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly hard-working man.

AIDS EPIDEMIC

SPEECH OF

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this year, we acknowledge the 20th anniversary of the recognition of the virus which has come to be called HIV/AIDS. Twenty years ago we called it GRID—Gay Related Immune Disease. Based on that designation and the politicization of the disease, this country spent the first 10 years blaming the victims and denying the necessity for concerted action.

And while we debated, in the U.S. 400,000 people have died and more than a million have been infected. However, not only citizens in the U.S. have suffered. HIV has claimed the lives of more than 21 million people worldwide, with Sub-Sahara Africa representing the greatest number of victims.

But we have managed some progress in the last twenty years. We have medications that have demonstrated some success in stemming the suffering and prolonging lives. We have come to learn about the progression of the disease and the link between malnutrition, poverty, and the politicization of opportunistic infections. And we have managed to teach people in all walks of life about the methods of transmission and prevention. So twenty
years after it first appeared in the U.S. much has happened, but much remains to be done. We must continue domestic and international prevention efforts. We must continue funding the search for a vaccine. We must continue research into promising treatments. However, we cannot rest on our laurels. Much remains to be done. HIV/AIDS has become a global pandemic which threatens the lives of millions of people. The United Nations has estimated that by the year 2010, there will be 40 million children in Africa who will be orphaned by AIDS. Currently, there are 10 million AIDS orphans on the continent of Africa. What have we done and what have we failed to do for these children? Will we continue to deny the magnitude of the problem like we did 20 years ago or will we step forward and be the international leader that we have always claimed? If we learn nothing else from AIDS, let us learn this—because viruses are not respecters of persons, we must learn to compassionately care for everyone infected and affected. Our failure to do this 20 years ago brought us to where we are today. What will our continued failure to act bring about in another 20 years? Can these children count on our continued failure to act bring about in an- 

IN SUPPORT OF TAX RELIEF
HON. MIKE McINTYRE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. McINTYRE. Mr. Speaker, on May 26, the U.S. House of Representatives voted on the Economic Growth and Tax Relief Reconciliation Act, H.R. 1836. I am pleased that the House moved forward with this bill because I support tax relief for millions of hard-working families. I would have voted for this family friendly legislation; however, I held it because the floor during a time that would have officially been scheduled since the beginning of the year as a district work period. Moreover, this vote fell on the morning after my oldest son's graduation commencement at Lumberton Senior High School, a ceremony in which he was a speaker and was the first in his class to receive his diploma as Senior Class President. I am very grateful for his many achievements and I could not miss this once-in-a-lifetime event.

As reflected in my earlier votes this year for tax relief, I would have supported H.R. 1836 because our families, small businesses, and family farmers need tax relief. This legislation is a bipartisan bill that will provide a marginal tax rate reduction, estate tax relief, marriage penalty relief, and double the child-care tax credit.

This bill provides for a gradual reduction in the tax rates that apply to individual income tax. American families have not received a broad-based federal tax cut since 1981, and many families need and want help now. Moreover, it will finally put an end to the incredibly unfair death tax, which for far too long has been effectively double-taxing the estates of hard-working Americans, destroying small, family-run businesses and draining our economy of its growth potential. It is clear that the estate tax in its current form is out-of-date and out-of-step with this nation's proud tradi- 

TRIBUTE TO ADELANTE EAGLE AWARD RECIPIENT JESUS JAVIER

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. BACA. Mr. Speaker, I rise to salute Jesus Javier, a recipient of the 2001 Adelante Eagle Award.

Adelante and the California Migrant Leader- 
sip Council is dedicated to empowering the Latino community in California by developing opportunities in education, economic development and the political process.

The Adelante Eagle Award is presented annually to individuals who have made a commitment to California and have made positive contributions to the betterment of our community.

Past Eagle Award recipients include Congressmen Joe Baca, Congresswoman Grace Napolitano, Educators Mario Murz, Carolyn and Jim Bartleson, Jim White, Business persons Mary Lou Gomez and Maria Dolores Andrade, just to name a few.

Jesus Javier currently serves as a news an- 
chor for television station KRCV- TV Channel 62 in Los Angeles, California. Mr. Javier’s career originated as a general assignment reporter with KPIX- TV, the CBS affiliate in San Francisco and as news anchor with KDIT, the Univision affiliate also in the City of San Francisco.

Mr. Javier's experience continued in San Antonio, Texas as news anchor for Univision's KXW- TV. In 1983, Jesus Javier joined Telemundo as news anchor for KVEA-TV Channel 52 in Los Angeles, California. In 1993, Mr. Javier rejoined Univision as news anchor for the largest Spanish-language television station KMEX- TV Channel 34.

Mr. Javier's journalistic work has been recog- nized by various organizations. He received a Golden Mike Award from the Radio & TV News Association of Southern California for his series "Inferno Bajo Cero" a special investiga- 
tive report on the false promises of high wages and abundant jobs that lure Latinos to the State of Alaska. He was also awarded the Silver Medal at the New York International Film and Television Festival for Best Documen- 
tary with "De Leys y Papeles." His pro- gram "Destino 90" won an Emmy Award for Best Public Service.
Mr. Javier’s dedication to the Latino community has been recognized by various organizations. He volunteers his time and has served as Master of Ceremonies or Keynote Speaker at various community functions. Most recently he was recognized for his work with the American Diabetes Association’s “Diabetes, Como Afecta Al Cuidado” an information conference targeting the Spanish speaking communities in the San Fernando Valley. Mr. Javier has also served as Master of Ceremonies for the City of San Fernando Cesar E. Chavez Commemorative Committee.

An outspoken advocate of education, Jesus Javier has volunteered countless hours visiting elementary and secondary schools, Community Colleges and Universities always encouraging the youth to take advantage of the educational opportunities made available to them. Mr. Jesus Javier is a native of Techaluta, Jalisco, Mexico. He received his degree in Electrical Engineering from the University of California at Berkeley. Mr. Javier has three adult children and lives in Northridge, California.

For all he has done on behalf of the Latino community, we salute Jesus Javier.

IN HONOR OF WENDELL NILES
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Wendell Niles, President and Chief Executive Officer of Niles Communications Group, Inc., in recognition of his contributions to the East New York community.

Wendell has and continues to be at the forefront of visual communications. In 1967, he joined the award winning Rodgers Studio where he worked on many noted accounts including Bulova Watch. Mr. Niles served in the United States Army as a graphic design specialist in Strategic Communications as well as a musician in the 36th Army Band. During his two-year service in the Army, he was promoted four times and received numerous awards and citations.

Wendell Niles’ talent for visual communications has been cultivated since a young age. He graduated from The High School of Art and Design as well as a Bachelor of Fine Arts degree in media arts from the School of Visual Arts in New York.

Wendell’s work and efforts have made an impressive impact in the African American community. He is highly recognized for his ability to develop and implement creative strategies that are effective in reaching the African American consumer marketplace. In fact, Niles Communications Group, Inc. is becoming one of the most successful and most sought after African American owned graphics and communications companies in the United States. Some of his clients include African Heritage

more than 20 years, he has served as a mentor, instructor, and coach to members of his community. Wendell also sponsors disadvantaged students who want to enter the field of media arts and entrepreneurship.

Mr. Speaker, Wendell Niles has devoted his life to helping members of his community. For his service, he is receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

INTRODUCTION OF PUBLIC HEALTH AND FOREIGN MILITARY AND LAW ENFORCEMENT PERSONNEL AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, I am introducing a bill to amend the Foreign Assistance Act of 1961 to clarify the process by which the United States Agency for International Development already provides HIV/AIDS education and prevention programs to foreign military and law enforcement personnel.

The United States is committed to the development of nations, and a major effort of the United States Agency for International Development already provides HIV/AIDS education and prevention programs to foreign military and law enforcement personnel.

However, HIV/AIDS education and prevention efforts are not as effective as they should be. While it is perfectly legal to do so, there has been some confusion in providing HIV/AIDS information to soldiers and other law enforcement forces due to restrictions imposed by Section 660 of the Foreign Assistance Act of 1961. Currently, only 8 of 19 USAID missions in sub-Saharan Africa provide such information to military or law enforcement personnel. Military and law enforcement forces are important in HIV prevention efforts due to their large itinerant populations, which have comparatively high HIV infection rates. These soldiers have multiple sex partners and frequent contact with prostitutes. Education efforts directed at such audiences can be particularly effective. If assistance to military and police forces is not provided, the general population is placed at risk.

To clarify the position taken by USAID’s General Counsel that Section 660 does not prohibit participation of foreign police or military forces in their HIV/AIDS prevention programs, I have introduced legislation that amends Section 104(c) of the Foreign Assistance Act of 1961 by adding the following language:

In providing assistance under paragraphs (4) through (7), the Administrator of the United States Agency for International Development is authorized, notwithstanding section 660 of this Act, to provide education and related services to foreign personnel of foreign countries to prevent and control HIV/AIDS and tuberculosis. The education and related services may be provided only if the Administrator determines that—(i) the education and services for police and military forces are part of a larger public health initiative; (ii) failure to provide the education and related services to law enforcement and military personnel of the foreign country would impair the achievement of the overall objectives of the United States Agency for International Development already provides HIV/AIDS education and prevention programs to foreign military and law enforcement personnel; (iii) the education and related services are the same or are similar to the education and related services to be provided under the health initiative to other population groups in the foreign country; and (iv) none of the education and related services, including the commodity, can be readily adapted for law enforcement, military, or internal security functions.

The AIDS pandemic is proving to be one of the most important issues of our time. Since the advent of the AIDS epidemic, more than 22 million people worldwide have died from the disease. Currently, more than 36 million people are living with HIV/AIDS, the majority in sub-Saharan Africa. As the most technologically advanced nation and the leader of the free world, the United States has both a moral obligation and compelling national security interests to address the global HIV/AIDS crisis. My legislation streamlines the process by which USAID already provides HIV/AIDS prevention and education programs to foreign military and law enforcement personnel and clarifies the importance of including these high-risk groups in prevention efforts.

EXPRESSION OF SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF
HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of a great friend and colleague, the late Congressman JOSEPH MOAKLEY. The passing of JOE MOAKLEY is a loss for the entire country. Indeed, those of us who had a chance to learn from and serve with this great man will truly miss him.

Throughout his career in public life, JOE MOAKLEY was a spokesman and warrior for the people of South Boston. He made it no secret that he would do whatever he needed to bring federal funds and programs to the State of Massachusetts and the rest of the U.S. With Joe’s help, Boston was able to cleanup the Boston Harbor, establish an African-American historic site within the borders of the city, create a subsidized home heating credit for those who could not afford to heat their homes in the winter, as well as most of the major infrastructure projects. Many of us, at one time or another, looked to JOE for advice on how to get funding for programs in our own districts.

While serving as a Member of Congress, JOE MOAKLEY rarely stood at the back of the line on matters affecting the community. On the contrary, he walked to the front of the line and lead. JOE was a leader in Latin American issues. With this profile, he often took stances on
issues that were not always looked favorably upon by many of his colleagues, including taking meetings with Cuba's Fidel Castro. As Chairman of the House Committee on Rules for more than four and a half years, Joe helped structure the operations of the House and lead the Democratic Party in improving the overall quality of life in the U.S.

The thing one that I will miss most about Joe Moakley, however, is the enjoyment I have gotten from watching the late Congress-man fight for the issues he held closest to his heart. Last week, the Boston Daily Globe referred to Joe as the "People's Legislator." That he truly was. Joe always looked forward to going home and being with the people he represented—the people he loved. As Boston Mayor Thomas M. Menino said, "The people of Boston have lost a true friend and a legend...one of the giants." During my tenure as a Member of Congress, I have attempted to emulate Joe's dedication to the people he represented. I can only hope that when I pass, I too will be referred to as a people's legislator.

Thank you Joe for everything you have done for this the people of America as well as this institution. Your leadership and smile will be truly missed.

ACKNOWLEDGING THE TEACHING EXPERTISE OF JOHN CAVANAUGH

HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to honor an individual who has played an essential role in our society. That individual is John Cavanaugh. Mr. Cavanaugh was born in Bethesda, Maryland. He graduated from Georgetown University. He entered the teaching professional in 1973 as a German instructor at Georgetown Preparatory School. In 1976, he began teaching at the Congressional School of Virginia. During his tenure, Mr. Cavanaugh has taught United States History, American Government, World History, Geography, Latin, Italian, and Spanish. He has served as Yearbook Advisor for over two decades and is currently Chair of the Social Studies Department at the Congressional Schools of Virginia.

The range of courses Mr. Cavanaugh has taught reflects the expansiveness of his mind and his concern for the interactions of the multifarious peoples within our society. Mr. Cavanaugh also brings keen intellect to his work and inspires his students to be like him—that is, to use their intellects. He is a model teacher because he creates an appetite for knowledge and then teaches his students how to satisfy this appetite.

When this school year draws to a close, John Cavanaugh will have completed 25 years as a teacher at the Congressional Schools of Virginia.

As we contemplate the problems of our educational system and debate the solutions to those problems, it is important to focus on the many great educators within the system who have committed their lives and careers to inspiring young people to learn. John Cavanaugh stands for them all.

Mr. Speaker, in closing, I want to congratulate John on his many achievements and wish him the best of luck in his future endeavors. I hope my colleagues will join me in saluting a man who gives much hope to our future.

A TRIBUTE TO LION LEROY FOSTER

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Lion Leroy Foster for his tireless work on behalf of his community.

Leroy Foster is a charter member of the Laurelton Lions Club. Since the club's inception in 1980, he has maintained a 100 percent attendance at all meetings and events. His dedication has shown throughout his 21 terms as a Member of the Board. During those 21 terms, he has served as President, first Vice President, Treasurer, Secretary, as well as the Chair of numerous Committees.

Leroy earned a BBA in Accounting from Pace University. He is currently a Second Vice President of the TIAA-CREF directing the Tax Reporting Division. He is the father of two children, Tanya and his deceased son, Leroy Jr. Leroy works extensively for his community at the district level. He is currently serving as a Board Member of the Habitat for Humanity Brooklyn Chapter. He has also served as Vice District Governor, Zone Chair, Region Chair and many other distinguished positions. While serving as District Governor, Mr. Foster organized the members of his district to build houses in Brooklyn and Queens.

Having a long and distinguished career as a delegate, he has attended international, national, regional, state and district conventions and Leadership Forums.

In addition, Leroy has received numerous awards for his community service. He is a Melvin Jones Fellow and is a recipient of The Boy Scouts of America Citizenship Award to name a few.

Mr. Speaker, Lion Leroy Foster has devoted his life to serving his community. However, what sets him aside from his peers is that he has never faulted in his commitment. Lion Leroy Foster is and has been a man to respect and emulate. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

COMMENDING YOUNG SOUTHWEST FLORIDIANS FOR THEIR SERVICE AND HEALTH CARE TO ELDERLY COSTA RICANS

HON. PORTER J. GOSS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. GOSS. Mr. Speaker, while for most of us it is sometimes difficult to find time to participate in service activities locally, it is nearly impossible to reach out to those who need assistance internationally. As the plight of many citizens of poorer countries often goes unrecognized, it is notable when a group reaches across our nation's borders to offer aid. It is even more impressive when those taking the initiative to do so are young people.

Recently, twelve of my constituents, members of the Barron Collier High School Key Club, traveled to San Jose, Costa Rica to charter the first Key Club in that country. This was a large undertaking, supported by almost 50 businesses, Kiwanis Clubs and individuals. These young Southwest Floridians trained their counterparts at the Maritza Baker High School and then set out together to provide service and health care necessities to elderly Costa Ricans. The students also demonstrated their eagerness to serve the community as they worked to improve conditions at local parks and clean unclean beaches.

These students have proven that respected values exist worldwide. As these culturally dissimilar teens worked side by side, they exhibited that compassion is an attribute native to all. It is outstanding international efforts such as these that restore faith in America's youth.

I congratulate the Barron Collier students and encourage them to continue upholding the mission of Kiwanis International to improve the quality of life for children and families everywhere.

TRIBUTE TO THE PRESIDENT OF HOFSTRA UNIVERSITY, DR. JAMES SHUART

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Hofstra University President Dr. James Shuart's unique and lifelong commitment to Nassau County.

Our community is indebted to Dr. Shuart. His lifelong relationship with Hofstra University alone is notable. Not only did he attend the University for undergraduate and graduate studies, but he joined the University staff and rose steadily through the ranks. For 42 years, Dr. Shuart has served Hofstra University as an integral staff member, from his initial position as an admissions officer until his appointment to University President 26 years ago.

Dr. Shuart's term as Hofstra President benefited both the University and the outlying community. While Dr. Shuart brought technological innovations to the campus for both students and staff, he brought national recognition to the University for its art museum and arboretum. Today, Nassau residents can take advantage of the campus' art galleries and exhibitions, outdoor sculptures and more than 7,000 trees. They can attend lectures, conferences and symposia on a variety of topics and enjoy dozens of concerts and plays performed in campus theaters.

Yet Dr. Shuart's tenure at Hofstra is just part of what makes him invaluable to our community. His work to improve our children's education on the local and state levels has set him apart from other educators. He has been involved in Nassau government consistently since 1971. Throughout the years, Dr. Shuart has consistently volunteered for a variety of community service organizations. His interest in the public good has made Dr. Shuart a role model for our children, their parents, indeed all of us.

I consider myself to be a better person because of my friendship with Dr. Shuart. He has shown me what comes with commitment
CALIFORNIA'S RUINOUS DEREGULATION CAPER

HON. NORMAN D. DICKS
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. DICKS. Mr. Speaker, as the West Coast continues to struggle with its energy crisis, threatening the economy of the Pacific Northwest this year as well as the rest of the nation, I believe it is instructional for Members of Congress to review the problems encountered during the California deregulation effort in order to put the crisis situation into the proper perspective.

A recent article in the northwest energy journal, Clearing Up, presented the issues in a clear and thoughtful manner, and I would like to take the time to share this viewpoint with my colleagues today. The article was co-authored by Stewart L. Udall, who served as Secretary of the Interior as well as Administrator of the Bonneville Power Administration, and Charles F. Luce, who was undersecretary of the Interior Department and later chair of New York City's Consolidated Edison Electric Utility. It presents a sobering review of the mistakes that were made as California implemented its version of electric power deregulation, and I am pleased to submit this article for Members to read.

CALIFORNIA'S RUINOUS DEREGULATION CAPER

(By Stewart L. Udall and Charles F. Luce)

CALIFORNIA'S RUINOUS DEREGULATION CAPER

California's ill-conceived experiment in deregulating the generation of electricity has been an economic disaster for the Golden State. This fiasco has burdened its two biggest utilities with a $12 billion debt and left them teetering on the precipice of bankruptcy. It has inflicted heavy losses on businesses and agriculture that are dynamos of the state's economy, and confronts homeowners with the prospect that, for years to come, they will have to pay higher prices for their electricity.

The near-term outlook is bleak. Not only do summer blackouts in California appear inevitable, but that state's crisis is spilling over into four Pacific Northwest states (Oregon, Washington, Idaho and Montana) that are linked to California by a giant transmission system. Energy shortages in the Pacific Northwest will be worsened because last fall, despite drought conditions in the Rocky Mountain headwaters of the Columbia River, the Secretary of Energy sacrificed Columbia River hydropower reserves when he forced Bonneville Power to draw down its reservoirs to help California avoid further blackouts.

Having led a West Coast-wide effort in the 1960s to build the Pacific Coast Intertie (PCI) that ties together electricity from California and the Pacific Northwest states—and gave them the most versatile and efficient electric power system in the whole country—we are shocked and saddened to see Pacific Northwest states in the grip of a full-blown energy crisis.

The PCI, built in the 1960s and since enlarged, links the hydroelectric generators of the Columbia, the Missouri and the Rio Grande Rivers in North America, with the steam-power generators that provide the bulk of California's

Mr. Speaker, our church family and our community love Dr. Harold King and we thank him from the bottom of our hearts for working with all of us for good through God. Thank you, Dr. King, and may God bless you and Estelle and your family, just as your life continues to be a blessing for all of us.
electricity. PCI consists of three EHV 500,000 kv alternating current lines and one EHV 1,100,000 kv direct current line. The pioneering direct current line, stretching from the doorstep of Los Angeles, is the largest and highest capacity d.c. lines in the world. Altogether, the PCI has the capacity to move up to 7,500,000 kw of power between the Pacific Northwest and the length of California.

Over the past 30 years, the PCI has been a bellwether to keep electric rates low and increased reliability of electric service in both regions. The economic and environmental benefits flowing from the PCI have been enormous.

Initially, the PCI made possible Canada’s ratification of the U.S.—Canada Columbia River Treaty after negotiations had been stalled for ten years. In exchange for opening California’s markets for British Columbia’s 50% (1400 mw) share of Columbia River Treaty power generated at down-stream U.S. dams, California obtained a block of low-cost non-polluting Canadian power, and the Pacific Northwest received valuable flood control protection from Canadian irrigation dams as well as its 1400 mw share of Treaty power.

The PCI has continued to benefit both California and the Pacific Northwest in many ways: exchanges of Northwest day-time excess hydro capacity for California’s night-time excess energy; sale of surplus Northwest energy for night-time Columbia River hydro; power flows peak in spring and summer; sales of California wintertime surplus energy to firm up Northwest hydro; and emergency back-up service for both regions when disaster strikes. In the first ten years of its operation, the PCI, in addition to other benefits, saved almost $1 billion in fuel oil that California could not have been able to substitute; surplus Northwest hydro-power that other wise would have washed to the sea. Considering the benefits from fuel displacement, and other benefits that can reasonably be anticipated over the 50 year life of the lines it will on average repay its initial entire capital cost of $600 million for each of the fifty years.

Until California’s deregulation power and energy moved over the PCI at prices regulated directly and indirectly by federal and state regulatory bodies. In both regions many intertie sales have no cap, California, desperate to keep its lights on, is bidding up the price of electricity in all the western states. Electric companies and their customers in both regions, the PCI, because of deregulation, has become a key factor in pushing the price of Northwest wholesale electricity to the highest levels in more than 70 years. California’s deregulated wholesale electric energy prices are siphoning power needed by the Northwest, causing double-digit rate hikes in Northwest consumers, closures of electro-process plants, reduction of irrigated farming, and excess draw-down of Columbia reservoirs that portends serious consequences for the water supply and vulnerable Columbia River salmon runs.

We believe the chaos caused by California’s deregulation experiment raises profound questions about the future of the electric power industry. It should force policymakers to study the track record of our nation’s traditional electric power system. How did this seminal industry serve the needs of our nation during the last century? Has it, overall, provided reliable, low-cost electricity for its customers and consumers? 

The core of the deregulation scheme was a brainchild of “experts” and consumer activists who, we believed, did not sufficiently consider the eminently successful history of this all-important business. It is our view that the deregulators made a grievous mistake when they based their hasty “reforms” on the presumption that an existing system could be dismantled overnight and replaced with a free market substitute that in theory would benefit all Americans. And certainly will begin with a recognition that the electric power industry is the most important industry in the country. Unlike any other enterprise, it affects the everyday lives and lifestyles of almost every citizen, and provides the primary, irreplaceable source of energy for America’s economy.

Once it was apparent to the public that Thomas Edison’s inventions offered precious, wide-ranging benefits to households and businesses alike and was understood that the electric utility industry is the most important industry in the country. Unlike any other enterprise, it affects the everyday lives and lifestyles of almost every citizen, and provides the primary, irreplaceable source of energy for America’s economy.

Relatively few independent generators may serve a particular market; the fear of politically important “price caps” (i.e. re-regulation) may scare others. In the case, price competition may be less than vigorous, and the few independent generators that serve the market may be tempted to increase prices by delaying construction of new plants and by scheduling maintenance outages to stimulate price increases. Further, they will be tempted to build new units that are the least expensive and quickest to build—ignoring the public interest in assuring diversity of technology and fuels. Already in California where virtually all new power plant construction is based on gas-fired turbines, there is serious concern that supplies of natural gas will not be sufficient either for these plants or for the rest of California’s economy.

It is significant that Los Angeles, whose municipally-owned electric utility was exempted from deregulation, has not been damaged by the deregulation experiment in California. It is of far greater significance that today, U.S. regulated power companies provide over all service whose prices and reliability provide an example envied by the rest of the world.

Decision-makers also should bear in mind the possibility that technology may make us more wary the destructive effects of the type California has found so disastrous. Fuel cells that convert hydrogen to electricity without any pollution, and that can be built in small modules, appear to be close to commercial viability. Small gas turbines are also said to be coming on the market. Solar and wind technology may become attractive for small as well as large applications. These and possibly other new technologies hold promise of giving consumers, large and small, choices of installing their own on-site power generation. Without disrupting the traditional organization of the utility industry, self-generation and the competitive threat of self-generation, could provide consumers with a utility that would achieve the benefits claimed for deregulation.
Mr. Lipinski. Mr. Speaker, recently, there has been much said and written about the possibility of new runways at Chicago's O'Hare International Airport. Some might think new runways are a new idea. They are not.

In fact, in 1991, the Chicago Delay Task Force, which was composed of representatives from Chicago's Department of Aviation, the Federal Aviation Administration (FAA), air traffic control, and airport users, recommended that new runways be added to O'Hare in order to reduce delays and improve efficiency. The final report of the Chicago Delay Task Force reads that new O'Hare runways "represent the greatest opportunity to reduce delays in Chicago, perhaps beyond all aerial conditions." Unfortunately, this recommendation was ignored because the governor at the time was opposed to new runways at O'Hare. Fortunately, most of the other physical and technical improvements that the Task Force recommended were implemented and, as a result, delays at O'Hare decreased by 40 percent between 1988 and 1998.

Fast-forward a decade to 2001. Delays are once again on the rise at O'Hare. In fact, according to the FAA, O'Hare was ranked the third most delayed airport in the country in 2000 with slightly more than 6 percent of all flights delayed more than 15 minutes. Once again, a Chicago Delay Task Force has been convened and representative from the Department of Aviation, the FAA, and the airport users will study O'Hare Airport to determine what can be done to most effectively reduce delays.

No one will be surprised when the Task Force determines—once again—that adding runways are the most effective way to reduce delays. This is a well-known fact. Mitre, NASA, and other technical organizations have reviewed all of the capacity enhancing technologies and procedures that are in development and have concluded that the cumulative effect of implementing all of these technologies would increase capacity only by roughly 5 percent. In contrast, building new runways at capacity constrained airports increases capacity by 40 to 50 percent. Additional runways—at O'Hare and throughout the nation—are the answer to the congestion problem plaguing our national aviation system.

Additional runways are especially critical at O'Hare Airport. Chicago is, and always has been, the nation's transportation hub. O'Hare is a domestic and international hub that serves not only Chicago passengers but also passengers that pass through Chicago on their way to destinations across the United States and around the world. O'Hare is the backbone of our national aviation system. Therefore, the congestion and delays that plague O'Hare also plague the rest of our national aviation system. Delays at O'Hare ripple throughout the system, earning O'Hare the undesirable designation as a "chokepoint" in our national aviation system. If O'Hare remains a chokepoint, it threatens the reliability and efficiency of the entire United States aviation system.

The fate of new runways at O'Hare rests with George Ryan, the Governor of Illinois. A small provision tucked away in Illinois law effectively gives the Governor the ability to approve or deny development at O'Hare Airport. Unfortunately, despite Governor Ryan's exemplary record in transportation investment, the Governor is politically hamstrung in what he can do regarding additional runways at O'Hare.

As the U.S. Representative for residents living near Midway, I know that quality-of-life issues in communities surrounding airports are very important. The City of Chicago Department of Aviation has been quick to address these important quality-of-life issues. In fact, the City of Chicago has spent over $30 million dollars at O'Hare alone on noise mitigation efforts, and a $4 million state-of-the-art noise monitoring system, a $3.2 million hush-house on the airfield, and soundproofing 75 schools and 3,934 homes for a total cost of $309 million. The City of Chicago has been mentioned as a model for the nation for its noise mitigation efforts.

Yet, despite these mitigation efforts, some of the airport's neighbors still seek to constrain the growth of O'Hare. Unfortunately, this group has the attention of their local political leaders in the state legislature as well as the Governor. Governor Ryan has offered to review plans for new runways but local politics, I believe, prevent the Governor from ever seriously considering new runways at O'Hare.

For months, I have been working quietly behind the scenes with all of the major parties involved in moving new runways at O'Hare forward. It is clear that local politics will prevent new runways from being added at O'Hare. Of course, local concerns must be addressed. But, a powerful few cannot continue to derail future development of O'Hare International Airport. This is the heart and soul of our national aviation system. Therefore, a national solution is needed.

For this reason, I am introducing legislation today that, by preempting certain state laws, will elevate the decision to build new runways at O'Hare to the federal level. O'Hare needs new runways to remain a viable and competitive airport. Nothing is going to change at O'Hare unless the federal government gets involved. The federal government recognizes the importance and necessity of new runways at O'Hare and is ready to act to make them a reality. An Act to End Gridlock at Our Nation's Critical Airports allows the federal government to do just that. I urge my colleagues to support this vital legislation.

TRIBUTE TO DAVID K. WINTER
HON. ROY BLUNT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. BLUNT. Mr. Speaker, I want to congratulate one of my former colleagues, Dr. David K. Winter, on his retirement after twenty-five years as President of Westmont College, a Christian liberal arts college located in Santa Barbara, California. He has overseen the growth of the Westmont student body to its present level of 1,200 students, and has presided over a marked improvement in student life from when he arrived on campus. Prior to coming to Westmont, he serves as Academic Vice President and then Executive Vice President at Whitworth College (WA). He also served on the faculty at Wheaton College (IL) and Calvin College (MI). He received his Ph.D. in Anthropology and Sociology from Michigan State University.

Among many other accomplishments, Dr. Winter served for nine years with the Western Association of School and Colleges, and in June 2000, completed a term as a member of the Council of Higher Education Accreditation, based on Washington, D.C. He has been named as one of the most effective college leaders in the United States, and in 1991, he was a recipient of the President Leadership Awards and Grants internationally by the Knight Foundation. President Winter has also been a leader in the Council of Christian Colleges and Universities, a Washington-based group of over 100 U.S. schools with more than 50 affiliates in 17 countries.

Tribute to San Francisco Police Chief, Thomas Cahill
HON. NANCY Pelosi
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Ms. Pelosi. Mr. Speaker, I rise to pay tribute to the life and work of San Francisco Police Chief Thomas Cahill as he celebrates his 90th birthday today, June 8, 2001. The residents of San Francisco owe him great thanks for his visionary leadership and tireless service.

Mr. Cahill has spent a lifetime defending the streets and people of San Francisco, but his journey did not begin there. On February 2, 1930, at the age of 16, Mr. Cahill said goodbye to his native Ireland. Mr. Cahill did not immediately begin his life in San Francisco fighting crime. He credits his first job as an ice
delivers with giving him a map of San Francisco in his head, which later proved to be useful during his beat walks.

Mr. Cahill was appointed to the San Francisco Police Department on July 13, 1942. He rose rapidly through the police ranks, from walking a beat to the Accident Investigation Bureau to the Detective Bureau and the Homicide Detail, where he rose to the rank of Inspector. In February of 1956, Mr. Cahill was appointed Deputy Chief of Police. He was appointed Chief of Police in September of 1958. Chief Cahill's swift rise was unprecedented, as were his accomplishments as Chief of Police. He introduced the Police Cadet Program, the Tactical Crime Prevention Squad and the Canine Unit among others.

President Lyndon Johnson appointed Chief Cahill to serve as a member of the President's Commission on Law Enforcement and the Administration of Justice in 1965. Chief Cahill was the only Chief of Police to receive such distinction. Chief Cahill also served as the President of the International Association of Chiefs of Police from October 1968 to October 1969, representing 65 nations in the free world.

In 1970, Chief Cahill retired from the police department after 28 years of dedicated service so that he could spend more time with his family, but his dedication to our city never wavered.

It is my honor to recognize the achievements of my constituent and treasured San Francisco figure, Chief Thomas Cahill. In 1994, San Francisco honored the Police Chief by renaming the Hall of Justice in San Francisco as the Thomas J. Cahill Hall of Justice. San Francisco is unquestionably a better city because of his dedicated service. Chief Cahill's commitment to the San Francisco community and his family earn him the respect and admiration of all who know him. I join his family and friends in wishing him a Happy 90th Birthday!

A SPECIAL TRIBUTE TO THE 2001 DIVISION IV STATE SOFTBALL CHAMPIONS: THE GIBSONBURG GOLDEN BEARS

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize the State of Ohio 2001 Division IV State Softball Championship team from Gibsonburg High School. On Saturday, June 2, 2001, the Gibsonburg Golden Bears decisively clinched the state title by defeating the Loudonville Redbirds four to zero.

Under Head Coach Erika Foster and Assistant Coach Tom Hiser, the Lady Golden Bears have secured the first state championship of any kind in Gibsonburg High School history and the first softball championship for the area.

The members of the team and their positions are: Heather Hill—Short Stop; Morgan Osborne—Left Field; Angela Ruiz—Third Base; Vassy Wondra—Pitcher; Sarah Taulker—Center Field; Mandy Sleek—Utility Player; Sarah Walby—Second Base; Sheena Smith—Utility Player; Lexi Warren—First Base; Krissy Lotzcy—Catcher; Kelly Krotzer—Utility Player; and Beth Gruner—Right Field.

I ask my colleagues and the entire Ohio delegation to join me in congratulating the Gibsonburg Golden Bears softball team and their coaches.

HONORING RENI IOCOANGELI ON HIS RETIREMENT

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. DINGELL. Mr. Speaker, I rise today to honor one of Michigan's finest and hardest working citizens, Mr. Reni Iocoangeli, on the occasion of his retirement.

Mr. Iocoangeli learned the value of dedication, responsibility and hard work early in life. Having lost his father when he was just a young man, Mr. Iocoangeli took on several jobs to support his family. In April 1951, Mr. Iocoangeli was hired at Ford Motor Company in Monroe, Michigan, where he still works today. On July 1, 2001, after more than a half century of dedication and service, Mr. Iocoangeli will retire from Ford.

While fifty years at Ford, or with any company, is an accomplishment, Mr. Iocoangeli's true dedication and devotion is to his family. Married in 1963 to Simica Bosonac, after a 7-year engagement, Mr. Iocoangeli has always put family first. Mr. Iocoangeli has passed his values of hard-work, commitment to family on to his sons, Ted and Michael, as well as his grandchildren, Melinda and Alexander.

Mr. Speaker, as Mr. Iocoangeli leaves Ford after fifty years of service, I would ask that all my colleagues salute him for his dedication, hard work and commitment to family.

TRIBUTE TO THE LIMA NAACP

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. OXLEY. Mr. Speaker, it is my honor today to offer my best wishes to the Lima (Ohio) NAACP at its annual radiothon this Saturday, June 9.

This event, to be held at Lima's Bradford Center, is designed to increase local awareness of the chapter, attracting new members from the community and renewing the dedication and commitment of current members. The radiothon broadcast will be live on Lima's WIMA—AM from 1:00 to 4:00 PM.

The Lima chapter president, Mrs. Daisy Gibson, and my good friend Malcolm McCoy deserve particular recognition for this hard work with the organization. I applaud them and their colleagues in the local chapter for their positive influence on young people in and around Lima, and wish them every success with Saturday's radiothon.

INTRODUCTION OF THE SAFE DRINKING WATER AND ARSENIC REMOVAL ACT OF 2001

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. ROGERS of Michigan. Mr. Speaker, high arsenic levels are prevalent in the state of Michigan and in many areas throughout the nation. Science has confirmed that arsenic can be dangerous to humans. What sound science though has not yet determined is exactly what level of arsenic is harmful and what level is safe for human consumption. Once that determination is made, however, we ought to allow existing federal dollars to assist local communities in immediately bringing the presence of arsenic to scientifically-proven safe levels.

The Safe Drinking Water and Arsenic Removal Act would allow local municipalities to access funding to clean up water systems with high arsenic levels which exceed the new Environmental Protection Agency (EPA) arsenic standard due out in February of 2002. When the EPA issues the new arsenic standard they will set a five year time frame for municipalities to comply. Because they are not in violation of any standard, communities would not be eligible for federal funding to clean up water systems that have been deemed dangerous by the scientists at the EPA for five years. This bill would allow municipalities to qualify for that funding immediately.

For example, if the EPA adopts the new standard recommended by the Michigan Department of Environmental Quality (MDEQ) of 20 parts per billion arsenic maximum, 169,000 people in Michigan would be drinking water deemed by EPA scientists as dangerous to human health for as many as five years. Let's help ensure families living in areas with high arsenic levels do not have to worry about the safety of their drinking water.

Finally, The Safe Drinking Water and Arsenic Removal Act requires no new funding sources, but makes monies available from existing programs: the Safe Drinking Water Revolving Fund and the Consolidated Farm and Rural Development Program.

IN RECOGNITION OF THE CHIEF RONALD HENDERSON

HON. RICHARD A. GEPhARDT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. GEPhARDT. Mr. Speaker, I rise today to pay tribute to Ronald Henderson, who from 1995 through May of this year served as Chief of Police in my home town of St. Louis. I have known Ron for many years now, and can personally attest to the dedication with which he carried out his duties.

Ron served in the St. Louis Police Department for over 29 years. During his tenure as Chief of Police, he was responsible for many high-profile events in St. Louis, including a 1996 visit by Pope John Paul II. And of course our city’s first Super Bowl victory parade and celebration last year. His organization and close coordination with other law enforcement
agencies made all of these events trouble-free and enjoyed by all in the community. Additionally, under Ron’s watch, St. Louis enjoyed a significant decline in crime—in every category. Finally, Ron undertook strong efforts to reach out and expand communication between the police department and community leaders and residents.

I have worked with Ron on a number of issues over the years. From reducing domestic violence in the community to putting more issues over the years. From reducing domestic violence in the community to putting more significant decline in crime.

Earlier this year, Ron was nominated to serve as U.S. Marshall for Eastern Missouri, and he is awaiting confirmation for that post. I know I speak for all St. Louis residents when I congratulate and thank him for his achievements as Chief of Police, and wish him all the best in his continued work on behalf of our region.

STROKES KILL TWICE AS MANY WOMEN AS BREAST CANCER

HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Ms. McCOLLUM. Mr. Speaker, I would like to focus attention on a serious health concern facing American women.

It is a little known fact that strokes, also referred to as brain attacks, kill twice as many women as breast cancer every year. In fact, 322,000 women will have a stroke this year. One hundred thousand of them are under the age of 65. Strokes kill more women than men.

While women account for less than half of the caregivers in this country, they account for almost two-thirds of stroke deaths.

Because more men survive strokes, women are more likely to become full-time caregivers for stroke survivors. Fifty-six percent of the caregivers in this country are women.

National Stroke Association, a national non-profit health organization devoting 100 percent of its resources to fight stroke, has launched a comprehensive public education campaign, “Women in Your Life” to teach American women and their loved ones that:

- Strokes are preventable by paying attention to risk factors including high blood pressure, diabetes and smoking, and adopting a healthy lifestyle.
- Strokes are treatable. Recognizing stroke symptoms and seeking immediate medical attention are crucial to receive effective treatment.
- There is life after stroke. As either stroke survivors or caregivers, women need to embrace life with their loved ones after stroke.

I encourage my colleagues, of both genders, to give stroke education and awareness their serious consideration not only during this past month designated as National Stroke Awareness Month, but every month throughout the year. Understanding strokes and how they affect women is vital to the health and well-being of all the women in our lives.

RESERVIST VA HOME LOAN FAIRNESS ACT OF 2001, H.R. 2095

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. EVANS. Mr. Speaker, today I am introducing The Reservist VA Home Loan Fairness Act of 2001. It is always appropriate for America to recognize the indispensable contribution the members of the Reserve Components make to this nation’s total military force. By supporting The Reservist VA Home Loan Fairness Act of 2001, Congress will do more than simply state that “Reservists are full-partners in the Total Force”—Congress will recognize the contributions of Reservists in a tangible way by granting them access to VA home loans on the same footing and at the same funding fee schedule as active duty veterans. This is a basic fairness issue.

Since the Gulf War, America has called upon the Guard and Reserves at an ever-increasing rate. In the last five years, the utilization tempo of Reserve Component members has increased 13-fold from the tempo they maintained during the last five years of the 1980s. When called to duty, members of the Guard and Reserves leave home, family and job to enter harm’s way. They are indistinguishable from their active duty counterparts in Bosnia, Korea, or in South West Asia.

Yet, should these veterans apply for a VA Home Loan Guarantee, they are told that they must pay an additional three-quarters of one percent for the VA’s Reserve-rate Funding Fee. They are the only group required to bear this added financial burden for VA Home Loans. Perhaps this is one reason that less than four percent of all home loans in FY 2000 were provided to Reservists. This disparity must end. The Guard and Reserves are full partners in America’s Total Force.

Mr. Speaker, I ask my colleagues from both sides of the aisle to consider the introduction of the Medicare Medical Nutrition Therapy Amendment Act of 2001.

IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. UPTON. Mr. Speaker, I am pleased to join with Representative Anna Eschoo and 55 other colleagues on both sides of the aisle today in introducing the Medicare Medical Nutrition Therapy Amendment Act of 2001.

In the last Congress, we amended the Medicare program to provide coverage for medical nutrition therapy services provided by registered dietitians and nutrition professionals for persons with diabetes or renal disease. The legislation we are introducing today will add Medicare coverage for services for beneficiaries with cardiovascular disease.

Medical nutrition therapy provided by registered dietitians and nutrition professionals is sound health care policy. It can save millions of dollars for a health care system beleaguered by escalating costs, and it can prevent unnecessary pain and suffering for millions of people and their families. In response to a request in the 1997 Balanced Budget Act, the Institute of Medicine of the National Academy of Sciences studied the value of adding medical nutrition therapy to Medicare beneficiaries and the Medicare program and issued a report recommending that this benefit be added to the program. The report stated that coverage for medical nutrition therapy will improve the quality of care and is likely to be a valuable use of Medicare resources, because of the comparatively low treatment costs and ancillary benefits associated with nutrition therapy.

The report concluded that nutrition therapy has proven effective in the management and treatment of many chronic diseases that affect Medicare beneficiaries, including . . . hypertension, heart failure, diabetes, and chronic renal insufficiency.

I urge my colleagues who have not yet cosponsored this bipartisan, sound health policy proposal to join us in this effort.

HON. WILLIAM J. COYNE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. COYNE. Mr. Speaker, I rise today to observe the passing of one of Pittsburgh’s civil rights heroes. Byrd Rowlett Brown died in Pittsburgh on May 3rd, 2001.

Mr. Brown was born and raised in Pittsburgh. His parents were both active in Pittsburgh’s African American community. His father, Homer S. Brown, was a state legislator and the first African American judge in Allegheny County, and his mother, Wilhelmina Byrd Brown, was an educator and civil rights activist.

Byrd Brown graduated from Schenley High School in Pittsburgh and won an academic scholarship to Yale University. Mr. Brown earned a Bachelor’s degree and a law degree from Yale. He served in the Army after completing his education, and after his discharge he began practicing law in Pittsburgh.

In 1958, Mr. Brown was elected to the first of six two-year terms as president of the Pittsburgh NAACP. He was also one of the founders of the United Negro Protest Committee and the Black Construction Coalition. He worked successfully over the years to desegregate the local schools and eliminate discrimination in the employment practices of local corporations.

Mr. Brown was also a candidate in the Pittsburgh mayoral election of 1989, running on the slogan “Byrd’s the word.”

Byrd Brown was also active in a number of civic and legal organizations, including the National Bar Association, the American Bar Association, the American Bar Foundation, the Academy of Trial Lawyers, and the Pittsburgh Foundation.

With the death of Byrd Brown, Pittsburgh has lost a tireless civil rights crusader—a man who was dedicated to the fight for equality and the struggle for better race relations. I wish to extend my condolences to his family in their time of sadness and grief.
such an unrealistic assumption, then Congress families would not bet their own futures on
hanging off the national debt.

Optimistic assumptions at best and false as-
security and Medicare for our seniors.

we have a moral obligation to provide a strong
down our $5.6 trillion national debt. I believe
tral Texas, including President Bush and my
vote for this tax cut. It would be a politically
easy vote. I could tell my constituents in Cen-

I have asked my constituents whether they
would bet their own family’s financial future
based upon the assumption that a government
economist’s 10-year economic forecast would
be perfectly accurate. Their answer is
s 10-year economic forecast would

If families would not bet their own futures on
such an unrealistic assumption, then Congress
has no right to risk the American family’s fu-
ture on that assumption.

This tax bill leaves little or no room to fund pri-
orities that this Administration says it supports,
including a stronger national defense, real pay
raises for our servicemen and women, a na-
tional missile defense, new investments in bet-
ter schools and a prescription drug benefit for
seniors on Medicare. Who knows what unex-
pected needs might develop over the next
decade?

One little known fact is that the so-called
$5.6 trillion surplus is not real—it is a hoped
for surplus. Even worse, 70% of the hoped for
surplus does not materialize until seven to ten
years from now.

What is real is our $5.6 trillion national debt,
which cost American taxpayers $223 billion in
interest payments last year. That, on average,
is approximately $800 in taxes for every man,
woman and child in America.

Paying off the national debt would provide huge
benefits for American families. Lower in-
terest rates on homes, cars and credit cards
would, in effect, be a significant tax cut. In ad-
duction, reduced interest on the national debt
could result in reduced taxes for all Ameri-
cans.

The final tax bill was put together late at
ight and voted on early the next morning
without Members of Congress having time to
review the bill or its cost. What can one say
about a bill that repeals estate taxes nine
years from now, but then repeals the repeal
twelve months later? To call that an estate tax
“repeal” borders on false advertising.

This bill is full of gimmicks to try to
hide its true cost. Repealing all of its tax benefits
at the end of the ninth year of a ten-year bill is
a blatant way to try to hide this bill’s real cost.
Further, should those tax cuts be continued in
year ten, the cost of this bill triples in the sec-
tod year. Unfortunately, that is exactly what
then happened. I have been fighting, and putting
tremendous demands on the Social Security
and Medicare systems. Thus, this bill truly
puts Social Security and Medicare at risk for
today’s and tomorrow’s seniors.

I will never forget what my predecessor,
Congressman Marvin Leath, told me before
his recent death. He said that his greatest re-
gret during his 12 years in Congress was his
vote for the 1981 tax bill, which he felt ex-
ploded the national debt. That bill promised
lower taxes, increased defense spending and
balanced budgets. Former OMB budget direc-
tor David Stockman, a key architect of the
1981 tax bill, later wrote of it, “I knew we were
on the precipice of triple-digit deficits, a
national debt in the trillions, and destructive
and profound dislocations throughout the . . .
American economy.”

Twenty years later, the 2001 tax bill prom-
ises lower taxes, increased defense spending
and balanced budgets. Unfortunately, I believe
the results will be the same as 20 years ago—
deficit spending, a larger national debt, and
higher interest rates.

Mr. Speaker, I hope I was wrong. I hope our

I knew we were

SPEECH OF
HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, May 25, 2001

Mr. EDWARDS. Mr. Speaker, I would like to
vote for this tax cut. It would be a politically
easy vote. I could tell my constituents in Cent-

Mr. ROGERS of Kentucky. Mr. Speaker, I
know that the American people look to their
Congress for surplus does not materialize until seven to ten
decade?

A TRIBUTE TO MRS. OPAL LUCAS
OF LONDON, KENTUCKY

HON. HAROLD ROGERS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001

Mr. ROGERS of Kentucky. Mr. Speaker, I
use this means to sadly inform the House of
the passing of Opal Lucas, a great American,
woman, and friend. She will be remembered
as a teacher, mentor, counselor, confidante,
and inspiration.

Mrs. Opal Lucas of London, Kentucky
passed from this life to eternal life at the age
of 95 on June 2, 2001.

Opal was born in 1905 in Jackson County,
Kentucky. Her father was a farmer, fertilizer
salesman, and minister. Her mother spent her
life raising children. From these humble begin-
nings, Opal learned a devotion to family, God,
and her community.

A devoted wife and mother, Opal saw the
best of times and the worst of times. Her hus-
band, Fred Lucas, was a World War II veteran,
born in Kentucky. Her eldest son, Fred Lucas II,
joined the navy at the age of 16 during World
War II. After surviving near death experiences,
he was forever scared by the experiences of
war. He second son, James, was born para-
lized from the waist down, but Opal and the
family never allowed this to deny him a full
life. James was a volunteer firefighter with
the help and love of family and friends.

During her life, Opal served her local and
national community in numerous ways. She
began as a teacher in a one-room school-
house. She and her husband owned and man-
aged numerous businesses in Laurel County.
She served as State Governor of the National
Federation Woman’s Club and in many other
civic organizations.

Opal and Fred helped recruit industry into
Southeastern Kentucky when this area of the
state had no industry. They were instrumental
in proving that these hard-working men and
women that labored on the land could be ex-
cellent workers in industry. They proved their
point and today the fruits of their labor are
enjoyed across the state.

Opal was a dedicated Republican, as she
served her party in nearly every capacity. She
served as the National Committee Woman for
Kentucky to the National Republican Party for
a decade. She chaired campaigns for suc-
cessful Congressmen, U.S. Senators, Gov-
ernors, and numerous other offices. She
counted as her very close friends former Sen-
ators John Sherman Cooper and Thurston
Morton, and Congressmen Tim Lee Carter. I
too, relief on Opal for sage advice, wisdom,
and friendship.

Tribute partially describe the accomplish-
ments of this lady but they do not give full jus-
tice. Her rewards were never personal. She
enjoyed victory but true victory was seen on
the faces of families who benefited from good
government, opportunities to work and provide
for their families.

Opal was a unique person that possessed
the most amazing ability to make everyone
feel they were the most important person in
her life. She radiated self-confidence and total
relaxation with the person she was. You never
saw her caught up in false pretenses or ul-
terior motives.

She can be described as a wonderfully calm
charming lady speaking in soft tones, com-
forting and encouraging us to do our best—al-
ways confident in our abilities to accomplish
anything we truly desire. She had a smile that
would warm your heart. She was comfortable
with her life and her own self-identity and
never seemed to have a need for the trappings
of public adulatio.

Opal was consumed by the spirit of our Lord
and it was evident in every action but it was
not something she has to speak of or
point to like a plaque of recognition hanging
on the wall. She was a Christian lady that al-
ways held her belief in God close to the heart.
When you looked at her, you saw the Spirit of
God within her.

There are individuals that pass through life
that contribute more than can be measured
and are truly the ones who epitomize all that
CHILD CARE QUALITY INCENTIVE ACT OF 2001

HON. SANFORD D. BISHOP, JR. OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. BISHOP. Mr. Speaker, today I am introducing a bill that will make high quality child care available for children regardless of their families’ incomes. This bill is entitled the “Child Care Quality Incentive Act of 2001” and already has 28 original cosponsors. I feel this initial response is a testament to the importance and value of this legislation.

We all recognize the importance of a child’s early development, however, we must make an investment in our children if we are going to succeed in providing a meaningful and accomplished system that helps those who are trying so hard to help themselves. This help will come in the form of supplemental block grant funding to providers in order to cover the true costs of their services. In addition, this bill helps families and gives them the help they need to balance child care to those who can already afford the market rate. Small businesses also benefit from this legislation—more money means more providers.

Finally, this bill has the support of many national, state, and local organizations and providers, including USA Child Care, the Children’s Defense Fund, YMCA of the USA, and the National Child Care Association.

I ask my colleagues to move swiftly to bring decent and affordable child care to America’s children—those who are the least able to take care of themselves.

REMEMBERING OUR PACIFIC AMERICAN VETERANS

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to pay tribute to the second annual Roll Call of Honor in Remembrance Ceremony that occurred on May 27, 2001 at the Arlington National Cemetery, Arlington Virginia and the National Memorial Cemetery of the Pacific, Honolulu, Hawaii.

This celebration honors the sacrifices of thousands of Pacific Americans who have served our nation in our Armed Forces. What was once a veil of silence surrounding the contributions, courage, loyalty and dedication of our Pacific American veterans to our nation has now been lifted.

By honoring our Pacific American veterans, and those who continue to serve our nation, we honor also all our veterans who call the Pacific their ‘aina.

Their names are being placed on scrolls that will serve to remind us their loyalty, courage, leadership and compassion.

On August 7, 1999 the Board of Directors of the Pacific American Foundation, a national organization dedicated to improving the lives of all Pacific Americans wherever they live, concurred with the Department of Veterans Affairs to conduct the first ever Roll Call of Honor in Remembrance Ceremony to recognize the dedicated service and outstanding contributions of Pacific American veterans—American Samoans, Chamorros, Fijians, Hawaiians, Maoris, Tahitians, Tonga—and those veterans who call the Pacific their ‘aina, to our nation.

The Pacific American Foundation, in partnership with the Department of Veterans Affairs, the National Memorial Cemetery of the Pacific, and the Japanese American National Memorial Cemetery in Hawaii, veteran organizations in the Pacific and families of our veterans is proud to continue to host the annual Roll Call of Honor in Remembrance Ceremony.

Already research has revealed that Pacific Americans had served on the Confederate service during the Civil War and had served our nation in our Armed Forces. What occurred on May 27, 2001 at the Arlington National Cemetery, Arlington Virginia and the National Memorial Cemetery of the Pacific is a testament to the importance of the Pacific American veterans to our nation.

All our veterans are special, and by honoring our Pacific American veterans I salute all of America’s men and women who answered the call to duty.

The names of our Pacific American veterans on these scrolls will remind us forever of our nation’s debt to their sacrifices.

This celebration could not have happened without the leadership of the Pacific American Foundation’s Leadership Fellows, Troy Asao Kaleolani Cooper and Michael K. Naho’opii and their colleagues, Pacific Americans who represent the future for our nation. I wish to commend their leadership that is being felt by millions of Americans today.

It is this very type of selfless service that is lifting the shoulders and chins of the families whose loved ones gave their lives in defense of our freedoms, and it is certainly helping the millions of our military members and their families to know that we care.

We can never forget.

HONORING AL LIFSON’S INDUCTION INTO THE ELIZABETH ATHLETIC HALL OF FAME

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. SAXTON. Mr. Speaker, today I rise to congratulate Al Lifson for his remarkable athletic achievements and most recently his induction into the Elizabeth Athletic Hall of Fame.

Al’s many accomplishments speak not only to his natural ability, but also to his drive and dedication to succeed. Al’s athletic career serves as an inspiration to all who strive to be their best.

Mr. Speaker, please join me in congratulating Al Lifson for his remarkable athletic achievements and most recently his induction into the Elizabeth Athletic Hall of Fame.

IN RECOGNITION OF PAUL KNUE ON THE OCCASION OF HIS RETIREMENT FROM THE CINCINNATI POST

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to a dedicated journalist and a true friend to the people of Cincinnati, Ohio—Paul Knue. After 18 years, Paul recently stepped down as Editor from both the Cincinnati and Kentucky Post.

Paul has had a long and distinguished career in journalism. In 1970, he started at the copy desk of the Cincinnati Post, the paper he has always grown up. He was named managing editor of the Evansville Press in 1975, then returned to the tri-state area in 1979 to become editor of the Kentucky Post. Four years later, Paul became editor of The Cincinnati Post, and in 1995, assumed leadership of both papers.

Those of us who work in politics are often affectationally called public servants. But the title of public servant seems more appropriate for an individual like Paul Knue. As Editor of the Post, Paul did not sit back and passively assess the goings-on in his community. Rather, Paul used his leadership of the editorial page to help shine a light on important issues, particularly urban development. He helped found both Downtown Cincinnati Inc., a downtown advocacy group, and SouthBank Partners, a Northern Kentucky development organization.

As a native of Cincinnati, Paul brought an extraordinary amount of knowledge and experience to the operations of the Post. During his tenure, the Post broke many important stories—including uncovering a tax break scandal in the County Auditor’s office, and spotlighting the deterioration of city playgrounds, which eventually led to increased funding for park facilities.

Over the years, I have had the pleasure of working with Paul on the Coalition for a Drug-Free Greater Cincinnati. His named commitments to the Cincinnati community have helped make the Coalition a big success.

Paul is also an accomplished long-distance bicycle rider. It is not uncommon to see him training on the Little Miami bike trial, leaving others way behind.

The people of Cincinnati know Paul Knue as a leader, but more importantly, they know him as a friend. His contributions at the Cincinnati Post and Kentucky Post will be sorely missed.
but I have every confidence that he will continue to make numerous contributions to our community in the years to come.

A PROCLAMATION IN RECOGNITION OF THE OHIO PTA

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. NEY. Mr. Speaker, I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the One-Hundredth Year of the Ohio Parent Teacher Association’s service to Ohio’s children.

Whereas, the Ohio PTA was founded in 1901 as a branch of the National Congress of Mothers to promote the education, health, and safety of the children, youth, and families of Ohio; and,

Whereas, this association has sought to unite the home, school, and community to ensure all children and youth have a high quality education; and,

Whereas, the Ohio PTA has grown in number to over 140,000 members in almost 1,000 local PTA units since its inception; and,

Whereas, the Ohio PTA has been instrumental in incorporating parent involvement into the classroom, securing public education, and the campaign for education for children with special needs; and,

Whereas, the Ohio PTA continues to encourage others to put children first, furthering its mission for the betterment of Ohio’s children in “Building the Future... Honoring the Past;” and,

Therefore, I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the One-Hundredth anniversary of the Ohio Parent Teacher Association.

GRADUATION ADDRESS OF MIKE BENNETT

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. RAHALL. Mr. Speaker, last Friday night, June 1st, my good friend and our former colleague, Representative Dawson Mathis from the great State of Georgia, attended graduation exercises for his granddaughter Shannon Mathis at Orange Park High School in Clay County, Florida. The President of the Class of 2001, Mike Bennett, addressed his classmates at that event and so impressed former Representative Mathis that he called his remarks to my attention. I would also note with more than a little pride that Mike’s father, Ken Bennett, is a native of Huntington, West Virginia, in my Congressional District.

At this point, I would ask that Mike Bennett’s address be printed in the Record. I wish him the best in his studies at the U.S. Naval Academy this fall.

Address of Mike Bennett: Orange Park High School, Senior Class Graduation, June 1, 2001.

It is not until we have lost everything, that we are free to do nothing. For thirteen school years, we, the senior class of 2001, have had our lives laid out before us. We have been told what to do, where to go, what to learn, and even when to eat. We have had people take us by the hand, and show us the way. We have been cared for by people that have chosen to ignore our shortcomings, and look past our imperfections. For this we are eternally grateful, and can never truly show our gratitude.

For almost eighteen years of life, our parents, family, and friends have been our North Star. They have cared for us unselfishly, and without fail. They have brought us, and been with us, through both triumph and tragedy. They have given, even when not asked to, advice and love, from which we have flourished. They are the people that have taught us the lessons of life, and the lessons of love.

To our teachers, you have given so much of yourselves, to people, that only days before, were complete strangers. Your infectious love, and underlying understanding are the reason we are here today. Without your help, I personally would not be the person that I am today. And, I am positive, everyone else, in our class, would be changed as well.

Which brings me to today. All of the aforementioned guidance that has previously been given to us in vast bundles, will soon shrink. Not because of lack of concern or interest, but rather an increase in physical distance. We, the alumni to be, of Orange Park High School, will soon be out on our own. We will blaze our own trails, strengthen the beaten path, and make our own decisions. For the first time in our young lives, we will be completely responsible for ourselves. We will have to deal with large decisions, such as what to do after graduation, and small, seemingly unimportant ones, like what to wear.

Each decision that we make, will shape our futures, no matter how small the matter seems. Our slates are clean, and the books of our lives are waiting to be written, by us, alone. We need to take our precious gift of life, and run with it. We need to live our lives for ourselves, and nobody else. We need to remember that the decisions we make, can never be changed, and must be thought out, for ourselves alone.

But, most importantly, we need not look back on our pasts and ask what if, but rather, look only at the present, and to the future. If we wonder about, and dwell upon the past, our lives will pass us by. Pondering over the past brings nothing but pain, regrets, and the deepest of sorrows. So, we, the senior class of 2001, must walk the fine line of remembering the past, but not dwelling on it.

Finally, I leave you, my fellow classmates with this. We, for the first time in our lives, have nothing hanging over our heads, and the world at our feet. We must not waste this opportunity, for we will never have one like it, ever again.

For, it is not until we have lost everything, that we are truly free to do anything.

HONORING “SHOULDER-TO-SHOULDER” AWARD WINNER, MR. HOMER LUTHER

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment and thank Mr. Homer Luther for his service to the National Park Service. For over a quarter of a century, Homer has dedicated his life to protecting our national parks. For that Mr. Speaker, he deserves the thanks of Congress.

Homer is the Director of the Yellowstone, Grand Teton, and Mesa Verde National Parks Foundation. On May 16, 2001, he was presented the “Shoulder-to-Shoulder” award in recognition of his personal service, commitment and dedication to national park units within the Intermountain Region.

Homer started working with the National Park Service during President Nixon’s second administration. One of the big issues facing newly appointed Parks Director Ron Walker was the use of snowmobiles in national parks. Ron recruited Homer to join him on a five-day personal research snowmobiling outfit. In the 70’s, Homer served his first term.

Following two terms on the National Park Foundation Board, Homer decided to form the National Park Foundation Alumni Council, where he still serves as the Chair. He decided to form this council because it was critical not to lose the talents and energies of those whose terms were expiring.

A few years ago, the staff at Mesa Verde National Park became aware that a critical piece of land was going to be sold. Homer was concerned that it would be developed in a way that would harm the areas natural values. “He challenged other Foundation board members to join him in raising sufficient funds to purchase the tract of land to preserve the gateway experience to the park. Thanks to Mr. Luther’s leadership, this land is now protected,” said Regional Director Karen Wade.

Mr. Speaker, for the last 30 years, Homer Luther has helped to keep America’s National Parks beautiful and well maintained. His expertise and leadership on this issue has been a real benefit to the Park Service and to everybody who uses the National Parks. I would like to thank him on behalf of Congress for all his hard work and dedication.

GREAT SOFTBALL IN THE 6TH DISTRICT OF NORTH CAROLINA

HON. HOWARD COBLE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

Mr. COBLE. Mr. Speaker, on June 3, the Sixth District of North Carolina became the home of the 2–A state championship softball team—Southwestern Randolph High School in Asheboro. The Cougars completed their title run with a season record of 24–3. After making it to the state championship series the past three years, the team finally brought the title home when they beat East Bend Forbush 2–1.

Jennifer Hurley, senior pitcher for Southwestern Randolph, allowed just one hit for the duration of two games on Saturday. On Sunday, during the title game, she yielded one run on three hits, but slammed the door on any further scoring by Forbush. Lee Harris’s home run during the title game was all the offensive firepower the Cougars would need when in the first inning she went deep. The two-run homer, the first in Harris’s career at Southwestern Randolph, set the Cougars on their way to the title. For her efforts, Harris was named the tournament MVP.
Southwestern completed an inspirational season thanks, in no small part, to a compelling figure who never played a single inning—Jennifer Hurley’s younger brother Drew. For the 14 years of his life, Drew has battled a condition similar to cerebral palsy. He is unable to speak, can hear in only one ear, and his limbs move in sudden jerks. Despite this constant struggle, Drew is at every game. The Cougars drew inspiration from Drew. After every victory, Drew would put on a batting helmet, and Jennifer would push him around the bases paths in his wheelchair until he crossed home plate. It became a team ritual that brought the Cougars together and inspired them to victory. I read Drew’s story in the Greensboro News & Record, and that prompted my attendance at one of the early Cougars’ ballpark games.

Congratulations are in order for Head Coach Steve Taylor along with his assistants Lee McCaskill and Harry Daniel. Supporting the team efforts were Managers Stacey McCaskill, C.J. Taylor, Heather Taylor, and Kurtis Taylor along with Statistician Luanne Deaton.

Members of the championship team included: Terry Mooney, Natalie King, Abby Auman, Kari McLeod, Crystal McPherson, Jennifer Hurley, Krystal Parker, Ashely Vereyken, Wendy Heath, Jodi Johnson, Beth Auman, Emily Ivey, Lesley Green, Wendy Seawell, Lee Ann Chandler, Erica Tackett, Cristina Tedder, Mary Beth Stillmon, Crystal Hudson, and Lee Harris.

Everyone at Southwestern Randolph High School can be proud of the Cougars. On behalf of the citizens of the Sixth District, we congratulate Athletic Director Trent Taylor, Principal Martin Wren, and everyone at Southwestern Randolph for winning the state 2-A softball championship.

The hubbub is over Ian Thomas, a cartographer for the U.S. Geological Survey who was fired in March after he posted a map of caribou migrations in the Arctic National Wildlife Refuge, a portion of which the Bush administration has proposed for oil drilling. The geological survey also had the map removed from the Web.

In their letter to Norton, the 88 environmental and other groups claimed that the firing of Thomas indicated a disturbing pattern of politicizing of government research and sent “a chilling message to all government scientists.”

The day after he was fired, Thomas accepted a job with the World Wildlife Fund and is now hailed as a martyr to the environmental cause.

It seems a straightforward story, a tale of nefarious Republican misdeeds and shameful loss to dying oil interests. Certainly that was the impression one got from following Garry Trudeau’s version of it in “Doonesbury.” But, as a Washington Post article explains, that novely familiar version of events “isn’t the whole story.”

Examine all the facts, and a host of surprising details pop up. Details, that is, that undercut many of the main accusations against the administration.

Thomas, for example, was a contract worker, not a full-time civil servant. The caribou map, which Thomas created in 15 minutes, was far removed from the scope of his contract and was based on obsolete data. Thomas had no expertise in Alaska wildlife matters and had been reprimanded earlier for posting sensitive Pentagon data on the geological survey’s website.

As described by The Washington Post, “the decision to cancel his contract was made not by Norton or any other bush appointee, but by the top biologist at his research center, a self-described liberal Democrat who opposes drilling in the Arctic refuge. Another career bureaucrat—the chief USGS biologist, also a Democrat and a conservationist—made the call to pull the caribou map off the Web.” No evidence has surfaced, the article said, “that Norton or her aides played any role in his termination.”

The geological survey’s main experts on Alaskan wildlife are its Alaska-based biologists. When they saw Thomas’ map, they expressed consternation that a Maryland-based contract worker, with no expertise in caribou studies, was posting inaccurate, albeit official-looking, material on that topic.

A geological-survey caribou biologist inquired about the map and subsequently sent Thomas a pointed e-mail message: “The material you posted is terribly out of date. It is inconceivable that you have posted this outdated material in view of the recent and intense interest in’ the refuge.”

Not that such details appear to matter as far as the episode’s actual political fallout. As the Post observed, regardless of the facts, “the notion that the Bush administration ousted Thomas for political reasons has taken root around the world, thanks to the power of the Internet and the tenacity of environmentalists.”

This episode, now mired by all. He will be greatly missed.

His commitment to God and Country are admired by all. He will be greatly missed.

As his family and friends grieve the loss of Dan Dalley, Mr. Speaker I wanted to take the opportunity to recognize his wife, Cybil, and sons, Alan, Tyler, Dalton and Luke should take pride in the fact that Dan made so many contributions to the State of Colorado. Everyone that knew Dan was in awe of his kindness, and his service. That, Mr. Speaker, is why Dan is worthy of the praise and thanks of the United States Congress.

HIV/AIDS COMMEMORATION

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001
Mr. GILMAN. Mr. Speaker, I rise today to commemorate the 20th anniversary of the HIV/AIDS pandemic, a disease which is devastating both in scope and severity. The past decade has seen approximately 40,000 new cases of HIV/AIDS each year. In the U.S., the disease continues to ravage countless communities, and the worldwide statistics are staggering, as well. One out of...
AIDS/HIV FACTS AND FIGURES

 extensions of remarks

every 100 people on the planet is afflicted with AIDS, about 53 million people are living with HIV, and 17 million have died.

It must be noted that a great deal of progress has been made in the past twenty years. In the 80’s, individual activists and groups such as Human Rights Campaign Fund, tirelessly attempted to educate the public about HIV/AIDS. This was a task made all the more daunting by the incredible stigma attached to the disease.

Misconceptions about how the disease was transmitted, backlash from officials, and a general fear fueled discrimination and hostility toward people with HIV and AIDS. However, the efforts of activist groups gradually began to pay off.

The Ryan White Care Act, which eventually became law, was the first major government investment in treating people with HIV/AIDS. Barred from school because of his HIV infection, the public battle of White helped turn the national spotlight on the disease. Needle-exchange programs were launched in cities throughout the United States. And more research funds have shed hope in the new vaccine trials.

Despite these glimmers of hope, we have far from exhausted all of our efforts. With AIDS ranking as the top cause of death for people aged 25 and 44, and the recent explosion among African-American communities, it is clear that more needs to be done to expand our AIDS education. Indeed, it has been shown that despite increases in knowledge about AIDS, Americans still exhibit many dangerous information gaps.

Internationally, the situation is equally dire. In some nations, an astounding quarter of the entire population is infected with HIV. African countries face a particularly steep uphill battle, and the precipitous prices of antiretroviral drugs are only aggravating the global plight. These drugs, which currently represent the only hope for people living with HIV/AIDS, cost more than the per-capita income of many developing countries.

Our Nation must continue to make funding for treatment, research, and prevention of HIV/AIDS a top priority. A comprehensive approach is needed in order to render the HIV/AIDS crisis a thing of the past.

Mr. McNi, Mr. Speaker, I would like to take this opportunity to pay special tribute to La Veta, Colorado on its 125th Birthday. Over the past century, the citizens of La Veta have contributed a rich heritage and cultural diversity to the state of Colorado. I would like Congress to wish the citizens of La Veta a very happy 125th birthday.

In 1862, Col. John M. Francisco, a former settler with the US Army at Fort Garland, and Judge Henry Daigle built Fort Francisco on land purchased from the Vigil-St. Vrain Land Grant, significantly south west of most of the San Luis Valley bound traffic. When Col. John Francisco looked down on the future site of La Veta in the mid 1850’s he said, “This is paradise enough for me.” The town of La Veta was incorporated on October 9, 1876.

As more settlers moved into this beautiful and fertile valley, the Fort increased in importance as it served as the commercial center for the area. The first Post Office, named Spanish Peaks, opened in the Plaza in 1871. By 1875 the Indian threat was almost completely gone. In 1876 the narrow gauge railroad came through La Veta several blocks north of the Fort, and as the depot building at the summit is listed on the National Register of Historic Places.

The mountains of the Sangre de Cristo Range were long known by the Indians of the Southwest. Relics of the Basket Weaver Culture have also been found within the county. The Spanish Peaks are a historic landmark to travelers—from the early Indians to the vacationer. Besides being the railroad, La Veta has also been the center of local agriculture and coal mining.

Mr. Speaker, the citizens of Colorado are proud of La Veta’s 125-year Anniversary. It is an area rich in culture and heritage. For that Mr. Speaker, I would like to wish La Veta happy birthday and wish its citizens good luck and prosperity for the next 125 years.

An estimated 600,000 African children are enrolled in schools with HIV/AIDS each year. The question, but a Senate inquiry in addition.

Price caps may help to stabilize the price of natural gas, but more needs to be done to investigate this.

The agency is supposed to authorize a role for the Government in addressing the question, but a Senate inquiry in addition.

Price caps may do well to inquire into this. It will also, we’re convinced, be a calamity in the long run. It should not be done.

When President Bush met with California Gov. Gray Davis last week, he made it plain that he wasn’t going to mandate any such solution through the Federal Regulatory Commission, which has such authority under some circumstances. Now, Davis’ state is drafting a law to compel such a move. Congress does—legislatively require the FERC to impose controls. (Of course, such efforts might die in the GOP-controlled House.)

Nobody wants to make light of the crisis in California or some of its neighbors, where electricity prices in some locales are 10 times what they were a year and a half ago. But the agency has already been accused of being too lax in its enforcement. Congress may have some sharp questions to ask about whether the agency has oversold its existing authority. That’s because while private power companies may under state competition laws shun in-state electrical generation and neglecting its power grid, is finding its way out of the difficulties with due speed.

Four new plants are being built now and four more are scheduled to come on line next year. The state has enacted an $800 million conservation program and within a couple more years hopes to have 15 new power plants in place. President Bush has pledged $150 million in emergency aid to help low-income consumers in California keep the lights on.

And both Congress and the FERC still have perfectly legitimate and possibly useful roles to play in this energy drama. There are questions about how well the agency has exercised its existing authority. That’s because while private power companies may under some circumstances charge market-based wholesale rates for electricity (far higher than cost-based rates), they’re required to apply to the FERC for authority to do so. But the agency has already been accused of being too lax in its enforcement. Congress may have some sharp questions to ask about whether the agency has oversold its existing authority. That’s because while private power companies may under state competition laws shun in-state electrical generation and neglecting its power grid, is finding its way out of the difficulties with due speed.

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not. Historically, over time they have dried up supply and either halted plant construction or slowed it to a crawl. If caps are to be tried, they should at least be brief in duration, with a defined beginning and end. But it would be best not to head that direction at all.

PERSONAL EXPLANATION
HON. FLOYD SPENCE
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001
Mr. SPENCE. Mr. Speaker, on rollcall No. 149 I was inadvertently detained. Had I been present, I would have voted "yea."

HONORING THE LIFE OF ROY P. BENAVIDEZ
HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 7, 2001
Mr. McINNIS. Mr. Speaker, I stand before Congress today to pay tribute to a man that put duty, honor and the lives of others before his own safety and well-being. Master Sergeant Roy P. Benavidez, a former Green Beret Soldier, received the Congressional Medal of Honor in 1981 for his service to this country. He has been an outstanding citizen and deserves the thanks and praise of Congress for all that he has done.

Roy was born in 1935 in Texas. He joined the Army at the age of 19. Then Staff Sergeant Benavidez served two tours of duty with the U.S. Army’s Green Berets during the Vietnam War. On the Morning of May 2, 1968, he heard the cry “get us out of here” over his radio. Roy voluntarily led the emergency extraction of a 12-man special forces unit that was ambushed while gathering intelligence. Prior to arriving at the team’s position he was wounded in his right leg, face and head. Despite these wounds and heavy fire, he dragged half of the wounded soldiers to awaiting aircraft. Roy was then shot in the stomach and thigh, hit in the back by grenade fragments and stabbed by a bayonet. Roy was still able to return fire, call in air strikes, administer morphine and recover classified documents. His fearless leadership, devotion to duty and fellow soldiers and valorous actions earned Roy the Distinguished Service Cross. In 1981 President Ronald Reagan presented the Congressional Medal of Honor to Roy at the Pentagon. Roy has also been awarded the Combat Infantry Badge, the Purple Heart Medal with two Oak Leaf Clusters, the Vietnam Campaign Medal with Four Battle Stars, the Vietnam Service Medal, the air Medal and numerous other decorations. In June of 2001, the Colorado Springs Parks and Recreation Department will honor Roy by dedicating a park in his name.

Mr. Speaker, Master Sergeant Roy Benavidez was a true American hero. He was wounded over 40 times while saving his fellow soldiers. He performed above and beyond the call of duty. His gallantry, loyalty and strong sense of duty far superseded any concerns for his own safety. He promoted patriotism, staying in school and encouraged continuing education. It is for this, that I ask Congress to pay special tribute to this living, breathing American hero.
Thursday, June 7, 2001

Daily Digest

HIGHLIGHTS

The House passed H.R. 1699, to authorize appropriations for the Coast Guard for fiscal year 2002.

Senate

Chamber Action

Routine Proceedings, pages S5907–S5995

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 994–1005, and S. Con. Res. 47.  Pages S5966–67

Measures Passed:

Copyright Infringement Exemption: Senate passed S. 487, 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 copies or phonorecords of such performances or displays is not an infringement under certain circumstances, after agreeing to the committee amendment in the nature of a substitute, and the following amendments proposed thereto:

Reid (for Hatch) Amendment No. 793, to clarify the application of certain technological measures.  Pages S5988–95

Reid (for Hatch) Amendment No. 794, to amend the title.  Page S5595

Elementary and Secondary Education Act Authorization: Senate continued consideration of S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, taking action on the following amendments proposed thereto:

Adopted:

Kennedy (for Reed) Amendment No. 401 (to Amendment No. 358), to assist parents in becoming active participants in the education of their children.  Pages S5916–17

Kennedy (for Reed) Amendment No. 434 (to Amendment No. 358), to revise the definition of parental involvement.  Pages S5916–17

Gregg (for Voinovich) Modified Amendment No. 513 (to Amendment No. 358), to develop and implement effective mechanisms to assist local education agencies and schools in effectively recruiting and retaining highly qualified teachers and principals, and in cases in which a State deems appropriate, pupil services personnel.  Pages S5916–17

Gregg (for Enzi) Amendment No. 642 (to Amendment No. 358), to provide for Indian education programs.  Pages S5916–17

Gregg (for Enzi) Modified Amendment No. 643 (to Amendment No. 358), to provide rural schools with options to improve student performance during the reconstitution process.  Pages S5916–17

Kennedy (for Torricelli) Modified Amendment No. 363 (to Amendment No. 358), to enable local educational agencies to extend the amount of educational time spent in schools, including enabling the agencies to extend the length of the school year to 210 days.  Pages S5916–17

Subsequently, the amendment was further modified.

Kennedy (for Nelson of FL) Modified Amendment No. 638 (to Amendment No. 358), to provide for an annual report to Congress on a State's progress in developing and implementing student assessments.  Pages S5916–17

Gregg (for Hatch) Modified Amendment No. 514 (to Amendment No. 358), to establish a study on finance disparities and the effects of equalization on student performance.  Pages S5916–17

Gregg (for Hatch) Modified Amendment No. 418 (to Amendment No. 358), to provide for the protection of pupil rights.  Pages S5916–17
Kennedy (for Levin) Modified Amendment No. 633 (to Amendment No. 358), to ensure that grant funds are available for use to enhance educators’ knowledge in the use of computer related technology to enhance student learning.

By 96 yeas to 1 nay (Vote No. 175), Smith (of NH) Amendment No. 487 (to Amendment No. 358), expressing the sense of the Senate to urge that no less than 95 percent of Federal education dollars be spent in the classroom.

Hutchison Modified Amendment No. 540 (to Amendment No. 358), to amend certain provisions relating to same gender schools and classrooms.

Gregg (for Hutchinson) Modified Amendment No. 557 (to Amendment No. 358), to provide additional limitations on national testing of students, national testing and certification of teachers, and the collection of personally identifiable information.

Kennedy (for Bingaman) Modified Amendment No. 483 (to Amendment No. 358), to establish a National Panel on Teacher Mobility.

Gregg (for Murkowski) Modified Amendment No. 404 (to Amendment No. 358), to provide for the funding of suicide prevention programs.

Gregg (for Hutchinson) Modified Amendment No. 556 (to Amendment No. 358), to provide additional protections and limitations regarding private schools, religious schools, and home schools.

Kennedy (for Hollings) Modified Amendment No. 624 (to Amendment No. 358), to provide for the identification and recognition of exemplary schools and programs such as Blue Ribbon Schools, and for demonstration projects to evaluate the performance of such Blue Ribbon Schools.

Gregg (for Smith of NH) Amendment No. 548 (to Amendment No. 358), to limit the application of the bill with respect to the teaching of the Bible in any public school.

Gregg (for Domenici/Kennedy) Amendment No. 415 (to Amendment No. 358), to establish a grant program for the integration of schools and mental health systems.

Rejected:

By 43 yeas to 55 nays (Vote No. 174), Carnahan/Nelson (of NE) Amendment No. 385 (to Amendment No. 358), to limit the application of assessment requirements based on the costs to the State in administering such assessments.

By 23 yeas to 71 nays (Vote No. 176), Wellstone Amendment No. 466 (to Amendment No. 358), to limit the conduct of certain assessments based on the provision of sufficient funding to carry out part A of title I of 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.

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. 358), 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.

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.

Reed Amendment No. 431 (to Amendment No. 358), to provide for greater parental involvement.

Dodd/Biden Further Modified Amendment No. 459 (to Amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States.
Clinton Modified Amendment No. 516 (to Amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

During consideration of this measure today, Senate also took the following action:

Kennedy (for Bingaman) Modified Amendment No. 791 (to Amendment No. 358), to ensure that State applications and plans are developed and submitted in consultation with the Governor of the State involved (adopted on June 6, 2001), was further modified.

A unanimous-consent agreement was reached providing for further consideration of the bill at 2:30 p.m., on Monday, June 11, 2001, with votes to occur on certain amendments beginning at 5:15 p.m.

Appointments:

U.S. Commission on International Religious Freedom: The Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, appointed the following individuals to the United States Commission on International Religious Freedom: Dr. Firuz Kazemzadeh of California, vice John Bolton, and Charles Richard Stith of Massachusetts, vice Theodore Cardinal McCarrick.

Nominations Received: Senate received the following nominations:

Steven John Morello, Sr., of Michigan, to be General Counsel of the Department of the Army.

William A. Navas, Jr., of Virginia, to be an Assistant Secretary of the Navy.

Sheila C. Bair, of Kansas, to be an Assistant Secretary of the Treasury.

Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, Department of Transportation.

Alex Azar II, of Maryland, to be General Counsel of the Department of Health and Human Services.

Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China.

C. David Welch, of Virginia, to be Ambassador to the Arab Republic of Egypt.

Executive Communications:

Petitions and Memorials:

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Measures Read First Time:

Record Votes: Three record votes were taken today. (Total—176)

Adjournment: Senate met at 9:30 a.m., and adjourned at 5:57 p.m., until 10:30 a.m., on Friday, June 8, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S5995.)

Committee Meetings

(Nominees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded on the nominations of Susan Morrisey Livingstone, of Montana, to be Under Secretary of the Navy, Jessie Hill Roberson, of Alabama, to be Assistant Secretary of Energy for Environmental Management, and Thomas P. Christie, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense, after the nominees testified and answered questions in their own behalf.

AUTHORIZATION—NAVY AND MARINE CORPS

Committee on Armed Services: Subcommittee on SeaPower concluded hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps equipment for 21st century operational requirements, after receiving testimony from Vice Adm. Dennis V. McGinn, USN, Deputy Chief, Maj. Gen. William A. Whittle, USMC, Director, Expeditionary Warfare Division, Rear Adm. Michael J. McCabe, USN, Director, Air Maritime Division, Rear Adm. Bruce B. Engelhardt, USN, Deputy Director, Submarine Warfare Division, and Rear Adm. John M. Kelly, USN, Deputy Director, Surface Warfare Division, all of the Office of the Deputy Chief of Naval Operations for Warfare Requirements and Programs; and Lt. Gen. William L. Nyland, USMC, Deputy Commandant for Programs and Resources.
House of Representatives

Chamber Action


Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Robert Gannon, Pastor, Our Lady Queen of Peace Roman Catholic Church of Staten Island, New York.

Journal: The House agreed to the Speaker’s approval of the Journal of Wednesday, June 6 by a yea-and-nay vote of 362 yeas to 36 nays, Roll No. 154. Pages H2959, H2963–64

Member Sworn—32nd Congressional District of California: Representative-elect Diane E. Watson of California presented herself in the well and was administered the oath of office by the Speaker.

Coast Guard Authorization: The House passed H.R. 1699, to authorize appropriations for the Coast Guard for fiscal year 2002 by a yea-and-nay vote of 411 yeas to 3 nays, Roll No. 155. Pages H2965–75

Agreed To:

Traficant amendment, as modified, that specifies that any new Coast Guard vessel be constructed in the United States with U.S. steel or iron and limits its application in cases that the Secretary determines would be inconsistent with the public interest and allows non-U.S. steel or iron if the Secretary finds that not enough material is not produced in the United States or that its use would increase the cost by more than 25%.

Withdrawn:

Biggert amendment No. 4 printed in the Congressional Record of June 6 was offered but subsequently withdrawn that sought to authorize funding to pay the Federal share for the marine safety station on the Chicago lakefront; and

Hoekstra amendment No. 2 printed in the Congressional Record of June 5 was offered but subsequently withdrawn that sought to authorize continued funding for the Coast Guard air search and rescue facility in Muskegon, Michigan.

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill.

H. Res. 155, the rule that provided for consideration of the bill, was agreed to by voice vote. Pursuant to the rule, the following resolutions were laid on the table: H. Res. 130, H. Res. 147, H. Res. 149, and H. Res. 150. Pages H2961–63

Legislative Program: Representative Portman announced the Legislative Program for the week of June 11. Pages H2975–76

Meeting Hour—Friday, June 8: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, June 8 in pro forma session.

Meeting Hour—Tuesday, June 12: Agreed that when the House adjourns on Friday, June 8, it adjourn to meet at 12:30 p.m. on Tuesday, June 12 for morning-hour debates.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 13.

Committee Election: The House agreed to H. Res. 158, electing Representative Duncan to the Committee on Government Reform, Representative Gilchrest to the Committee on Science, Representative Shuster to the Committee on Small Business, and Representatives Ney (to rank after Representative Baker), Culberson, and Shuster to the Committee on Transportation and Infrastructure.

Committee Resignation: Read a letter from Representative Culberson wherein he announced his resignation from the Committee on Science.

Late Report: The Committee on International Relations received permission to have until 5 p.m. on May 8 to file a report on H.R. 2052, to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

Senate Message: Message received by the Senate today appears on page H2959.

Quorum Calls Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H2963–64 and H2974–75.

Adjournment: The House met at 10 a.m. and adjourned at 3:50 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on the Bureau of Prisons. Testimony was heard from Kathleen Hawk, Director, Bureau of Prisons, Department of Justice.
CONGRESSIONAL RECORD—DAILY DIGEST

June 7, 2001

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior approved for full Committee action the Interior appropriations for Fiscal Year 2002.

SALES INCENTIVE COMPENSATION ACT

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on H.R. 2070, Sales Incentive Compensation Act. Testimony was heard from public witnesses.

IMPORTED PHARMACEUTICALS—CONTINUING CONCERNS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing on Continuing Concerns Over Imported Pharmaceuticals. Testimony was heard from Donald Vereen, Deputy Director, Office of National Drug Control Policy; Laura Nagel, Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice; Elizabeth Durant, Executive Director, Trade Programs, U.S. Customs Service, Department of the Treasury; the following officials of the Department of Health and Human Services: William Hubbard, Senior Associate Commissioner, Policy, Planning and Legislation, FDA; and Alan I. Leshner, M.D., Director, National Institute on Drug Abuse; Landon Gibbs, First Sgt., State Police, State of Virginia; and public witnesses.

INTERNATIONAL CAPITAL FLOW

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on Promotion of International Capital Flow through Accounting Standards. Testimony was heard from public witnesses.

U.S. WAR ON AIDS

Committee on International Relations: Held a hearing on the United States’ War on AIDS. Testimony was heard from Andrew Natsios Administrator, AID, Department of State; and public witnesses.

OVERSIGHT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Constitutional Role of Faith-Based Organizations in Competition for Federal Social Service Funds. Testimony was heard from Carl Esbeck, Senior Counsel to the Deputy Attorney General, Department of Justice; and public witnesses.

OVERSIGHT—U.S. PATENT AND TRADEMARK OFFICE

Committee on the Judiciary: Subcommittee on Courts, Internet, and Intellectual Property held an oversight hearing on the Operations of the U.S. Patent and Trademark Office, including Review of Agency Funding. Testimony was heard from Nicholas Godici, Acting Under Secretary, Intellectual Property and Acting Director, U.S. Patent and Trademark Office, Department of Commerce; and public witnesses.

OVERSIGHT—ETHICS OF CLONING

Committee on the Judiciary: Subcommittee on Crime held an oversight hearing on “The Ethics of Cloning.” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an hearing on the following bills: H.R. 1989, Fisheries Conservation Act of 2001; and H.R. 896, to ensure the safety of recreational fishermen and other persons who use motor vehicles to access beaches adjacent to the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge, New Jersey, by providing a narrow transition zone above the mean high tide line where motor vehicles can be safely driven and parked. Testimony was heard from Ambassador Mary Beth West, Deputy Assistant Secretary, Oceans, Fisheries, and Space, Department of State; William Hogarth, Acting Assistant Administrator, Fisheries, NOAA, Department of Commerce; the following officials of the Department of the Interior: Kathy Short, Assistant Director, Fisheries and Habitat Conservation; and Daniel M. Ashe, Assistant Director, Refuges and Wildlife, U.S. Fish and Wildlife Service; Robert McDowell, Division Director, Fish and Wildlife, Department of Environmental Protection, State of New Jersey; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1461, to amend the National Parks Omnibus Management Act of 1998 to remove the exemption for nonprofit organizations from the general requirement to obtain commercial use authorizations; and H.R. 1491, Utah Public Lands Artifact Preservation Act of 2001. Testimony was heard from Representative Matheson; Richard G. Ring, Associate Director, Park Operations and Education, National Park Service, Department of the Interior; and public witnesses.

NATIONAL SCIENCE EDUCATION ACT; NATIONAL MATHEMATICS AND SCIENCE PARTNERSHIPS ACT

Committee on Science: Subcommittee on Research approved for full Committee action, as amended, the
following bills: H.R. 100, National Science Education Act; and H.R. 1858, National Mathematics and Science Partnerships Act.

21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT

Committee on Veterans’ Affairs: Subcommittee on Benefits concluded hearings on H.R. 1291, 21st Century Montgomery GI Bill Enhancement Act; and to discuss GAO’s report on Veterans’ Employment and Training Service (VETS). Testimony was heard from Representatives Dingell and Shows; Anthony J. Principi, Secretary of Veterans Affairs; Sigurd Nilsen, Director, Education, Workforce, and Income Security Issues, GAO; Chris Spear, Assistant Secretary, Policy, Department of Labor; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 8, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on the District of Columbia to examine the post control board period regarding the District of Columbia government, 11 a.m., 2154, Rayburn Building.

House

No committee meetings are scheduled.

Joint Meetings

Joint Meetings: Senate Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on the District of Columbia to examine the post control board period regarding the District of Columbia government, 11 a.m., 2154, Rayburn Building.
Next Meeting of the SENATE
10:30 a.m., Friday, June 8

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Friday, June 8

House Chamber

Program for Friday: pro forma session.

Extensions of Remarks, as inserted in this issue

House

Baca, Joe, Calif., E1043, E1044, E1045, E1046
Barr, Bob, Ga., E1043, E1045
Bereuter, Doug, Nebr., E1057, E1058
Bishop, Sanford D., Jr., Ga., E1055
Blunt, Roy, Mo., E1051
Coble, Howard, N.C., E1056
Coyne, William J., Pa., E1053
Davis, Tom, Va., E1048
Dicks, Norman D., Wash., E1049
Dingell, John D., Mich., E1052
Edwards, Chet, Tex., E1054
Evans, Lane, Ill., E1053
Gephardt, Richard A., Mo., E1052
Gilmore, Paul E., Ohio, E1062
Gilman, Benjamin A., N.Y., E1057
Goss, Porter J., Fla., E1048
Hastings, Alcee L., Fla., E1047
Johnson, Eddie Bernice, Tex., E1045, E1047
Lipinski, William O., Ill., E1051
Lowey, Nita M., N.Y., E1049
McCarthy, Carolyn, N.Y., E1048
McCollum, Betty, Minn., E1053
McInnis, Scott, Colo., E1056, E1057, E1058, E1059
McIntyre, Mike, N.C., E1046
Ney, Robert W., Ohio, E1056
Oxley, Michael G., Ohio, E1052
Pelosi, Nancy, Calif., E1051
Portman, Rob, Ohio, E1055
Rahall, Nick J., W.Va., E1056
Ramstad, Jim, Minn., E1049
Rogers, Harold, Ky., E1054
Rogers, Mike, Mich., E1052
Saxton, Jim, N.J., E1043, E1044
Spence, Floyd, S.C., E1059
Towns, Edolphus, N.Y., E1043, E1044, E1045, E1047, E1048
Udall, Tom, N.M., E1046
Upton, Fred, Mich., E1053
Weldon, Curt, Pa., E1055

Gephardt, Richard A., Mo., E1052
Gilmore, Paul E., Ohio, E1062
Gilman, Benjamin A., N.Y., E1057
Goss, Porter J., Fla., E1048
Hastings, Alcee L., Fla., E1047
Johnson, Eddie Bernice, Tex., E1045, E1047
Lipinski, William O., Ill., E1051
Lowey, Nita M., N.Y., E1049
McCarthy, Carolyn, N.Y., E1048
McCollum, Betty, Minn., E1053
McInnis, Scott, Colo., E1056, E1057, E1058, E1059
McIntyre, Mike, N.C., E1046
Ney, Robert W., Ohio, E1056
Oxley, Michael G., Ohio, E1052
Pelosi, Nancy, Calif., E1051
Portman, Rob, Ohio, E1055
Rahall, Nick J., W.Va., E1056
Ramstad, Jim, Minn., E1049
Rogers, Harold, Ky., E1054
Rogers, Mike, Mich., E1052
Saxton, Jim, N.J., E1043, E1044
Spence, Floyd, S.C., E1059
Towns, Edolphus, N.Y., E1043, E1044, E1045, E1047, E1048
Udall, Tom, N.M., E1046
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Weldon, Curt, Pa., E1055

Congressional Record

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