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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Loving Father, we ask for humility to accept leadership from You and from those called to be leaders in this Senate. We realize what a difficult task it is to work through conflicts, to work out compromises, and to work for consensus. Endow our leaders, TRENT LOTT and TOM DASCHLE, DON NICKLES and HARRY REID, with a special measure of wisdom as they seek to foster oneness in the Senate. Help all of the Senators to delight in the diversity that sheds varied shades of light on the truth and in the debate that exposes maximum solutions.

Dear Father, may the Senators never forget that they are brothers and sisters in Your eternal family. May this Senate be distinguished for its civility, courtesy, and compassion. Your spirit flourishes where men and women pray for each other, speak truth as they see it without rancor, and listen attentively to each other. Our prayer is that the bond of mutual love for You and for our beloved Nation will keep us one in the spirit of mutual trust and uncompromised trustworthiness. God, bless America and begin in the Senate. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL COVERDELL, a Senator from the State of Georgia, 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 ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Georgia is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, today the Senate will immediately resume consideration of the education savings accounts legislation. The pending amendment is the Collins amendment regarding tax deductibility of teacher development supplies. It is expected that the Collins amendment will be laid aside so that other amendments may be offered and debated. Therefore, Senators may anticipate votes throughout today's session of the Senate. As previously mentioned, Senators who have amendments should work with the bill managers on a time to offer those amendments. As a reminder, the Senate will recess from 12:30 to 2:15 p.m. so that the weekly party conferences may meet.

I thank my colleagues for their attention.

ORDER FOR RECESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate stand in recess from 11 a.m. to 2:15 p.m. today to accommodate the bipartisan Governors' meeting and the weekly party conference meetings.

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

Mr. COVERDELL. I yield the floor.

AFFORDABLE EDUCATION ACT OF 1999—Resumed

The PRESIDENT pro tempore. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Pending:

Collins amendment No. 2854, to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

The PRESIDENT pro tempore. The able Senator from Nevada is recognized.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2857

(Purpose: To increase funding for part B of the Individuals with Disabilities Education Act)

Mr. REID. Mr. President, I send an amendment to the desk for Senator DODD, who is in transit, cosponsored by Senator REID of Nevada and Senator DORGAN.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DODD, for himself, Mr. REID, Mr. DORGAN, Mr. KENNEDY, and Mr. REED, proposes an amendment numbered 2857:

Strike section 101 and insert the following:

SEC. 101. IDEA.

There are appropriated to carry out part B of the Individuals with Disabilities Education Act $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

Mr. REID. Mr. President, Senator DODD has worked on this issue for many years. He will be here shortly.

I am very happy we are finally getting the opportunity to have a serious debate about some of the educational

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

problems we face in America today. It doesn't matter which of the 50 States you go to, there are problems dealing with education. I would be very happy if, rather than debating alternatives to public education, we started debating how to improve public education. More than 90 percent of the children in America go to public schools. We should be focused on how best to educate that 90-plus percent of children in America today.

The Federal Government provides 6 percent of the total education spending—roughly $38 billion. That $38 billion, by the way, is just 2 percent of the total Federal Government's budget. So we spend in America, the greatest nation in the world, the only superpower, 2 percent of our budget to educate our kids. Most Americans do not realize how little the Federal Government contributes to education.

I repeat that figure. The Federal Government spends about 2 percent of its budget on education. Within these tight budget constraints, we must focus on what works. I hope we will start talking about what works and about some of the things that maybe don't work as well and some new things we need to do in the area of education. I hope we can spend some time talking about and providing money for recruiting and training high-quality teachers, principals, and administrators. I hope we can spend some time talking about creating smaller classes and smaller learning communities in large schools. We have had experiences around the country from which we know that smaller schools work better than larger schools.

Deborah Meyer is an expert in this field. She was a school administrator in New York—a large school that is not doing well. She decided, because they were doing so poorly in all areas, that they had to do something radically different. She spoke to her superiors. They agreed to break the school up into four separate schools, with teachers who would report to separate administrators—four distinct schools. Within a very short period of time, all test scores skyrocketed. Everything about those schools improved. Having four schools instead of one school made it easier to teach the kids. The kids felt like they were part of the community.

We need to talk about how we can create smaller schools and smaller classes generally.

We all agree that we need to spend some time and provide resources so we can have schools, teachers and administrators more accountable. We have to ensure that children learn in modern, safe classrooms and repair schools in urgent need of renovation.

When I was growing up in Southern Nevada, the place we all looked to with great admiration was Boulder City, NV. It was the town that was formed as a result of Boulder Dam, now Hoover Dam. It was a wonderful community. In southern Nevada, it was one of the few places that had grass. It was a company town. They did not allow gambling. The only kind of alcohol that was allowed to be served was 3.2-percent beer. It was really a unique town in Nevada. Kids did very well on all their tests. Their athletic teams were tremendous, even though it was a small school.

A while ago, I was asked to visit that school. They wanted to show me how that school had deteriorated physically—the plan, which had been the admiration of all Nevada, had gone downhill. The gymnasium was rundown. The track where the kids would participate in athletics was in very bad shape. In some places they did not even have hot water. They could not bring in computers because the wiring was so bad.

A lot of schools are that way. There have been some improvements made to Boulder City High School, but it is still an old, old facility. It is a perfect example of a school that needs renovation. You may ask why isn't it renovated. Well, the Clark County school district, which is the seventh or eighth largest school district in America, is growing very rapidly; it is the fastest growing school district in all of America, with approximately 220,000 kids. In 1 year, to try to meet the demands of the children of Clark County, they dedicated 18 new schools—in one school district. They have to build an elementary school every month to keep up with the growth in Clark County. They need to have the resources to be able to renovate schools. They have been too busy building new schools.

That is why it is important that we do something to help local school districts renovate and build new schools. Of course, we need to expand access to technology. One way of doing that is to have modern schools. We have to ensure universal access to high-quality preschool programs and make college more affordable.

I have talked about Nevada; there is probably no better State than Nevada to see the struggles with which our public schools in this country are dealing. Today, they are having a Governor's conference in Washington. Governors from around the United States are gathered here. In the Nevada papers today, they are reporting a conversation with Governor Guinn, newly elected from Nevada. He was formerly the superintendent of schools of Clark County when it was a relatively small school district. He is saying that one of the problems they are having in Nevada is the Federal Government is not helping enough, that they are running $75 million to $80 million short just in the Clark County school district every year in the ability to take care of special ed students.

Well, that is what this amendment is all about. This amendment would provide all or part of that $75 million for the Clark County school district, so the Federal Government would, in effect, meet the obligation that it has. When it came to be that, instead of having separate school districts, setting a different standard for children who are handicapped, the Federal Government set standards. Now all school districts have to meet the same standards. Prior to that time, different school districts would have different standards for handicapped children. The agreement, or reasoning, or idea was that it would cost about 40 cents for each dollar extra to educate a handicapped child. But the Federal Government hasn't met that obligation. Now it has even dropped in recent years. Instead of 40 cents, it is 6 cents. This amendment is an effort to raise that, to take money and provide it to the handicapped children—those in need of help, the special needs children.

Clark County, as I have indicated, is exploding in population. In just 10 years, Clark County school district enrollment has more than doubled. We can pick any school to show the growth, but let's take the school called Silverado, a high school in Las Vegas. The school now has about 3,800 students, which is 42, 45 percent over capacity. It is expected to grow. Next year, they think Silverado will have over 4,000 students in it. For children at Silverado, it is not only a difficult learning environment, but just to go to a restroom is a real problem. They have the same number of restrooms that they would have for 40 percent less children. This problem at Silverado is true throughout the Clark County school district. I am sorry to report that it is this way around many parts of the country. We have the need for new schools in Clark County, some need renovations. Around many parts of the country, the need is as bad for renovating schools as for building new ones.

In Clark County, we are struggling to find qualified teachers. Last year, we had to hire almost 2,000 new schoolteachers in 1 year. That is a real job. Our university system can't produce nearly enough teachers to meet the demands—almost 2,000 new teachers in one school district. We need help in recruiting and training highly qualified teachers.

Nevada is a State—I am not happy to report—which has the highest dropout rate of any State in the country. But there is no State in the Union that should feel smug about dropout rates. In America today, 3,000 children drop out of school every day. These are children who are going to wind up being less than they could be. They certainly won't be as educated as they should be, or as productive economically as they should be; they won't be able to provide for a family the way they could. So high school dropouts is a problem. About 500,000 children drop out of school in America every year. We need to do something about that. That is a major problem that we need to address. I think and hope that this amendment would relate directly to that and provide school districts with money for

those with special needs so they can use their money for other things such as renovating schools, doing something as it relates to making sure they have high quality teachers.

If we can come up with something that would keep some of those children in school—I am sure there is nothing we can do to keep all 500,000 of them in school every year, but if we can reduce the number of dropouts by 100 a day, 200 a day, 500 a day, so at the end of the year, instead of having 500,000 students dropping out of school, we would have 400,000, or 300,000. The fact is that we have to do something about this problem.

The Senator from New Mexico, Mr. BINGAMAN, and I offered amendments in the past two Congresses. The year before last we offered an amendment that passed the Senate and was killed in the House last year, I am sorry to report, on a strictly partisan vote. Our amendment dealing with dropouts was defeated. It was strictly a party-line vote.

What would our amendment have done? It would have created, within the Department of Education, a dropout czar, someone whose job it would be to focus only on high school dropouts in this country. There are programs around the country that work quite well. Many of them are very small, but we need somebody to help each school district, to be available, not to force the will of the Federal Government on local school districts, but to be available with resources to see if they can do something to help kids stay in school. If the school district wanted help, they could come to the dropout czar in the Department of Education and get help.

I hope we can look at that during this debate to see what we can do to keep kids in school. As I said, the underlying amendment that we are debating now certainly would allow us to take some of that money now being used for special education and use it for programs such as high school dropouts.

The Federal Government has no intention of taking away the ability of local school districts to make their decisions, but what we need to be is a resource, to be a resource to help public education in America today. School districts all over America are begging for our help. They recognize there is not a movement in Washington to take over local school districts.

We have to recognize that schools should be controlled at the local level. Resources should be provided by the Federal Government, and, in my opinion, far more resources than 2 percent of the Federal budget. Why? Because we need to recognize that schools all over America are struggling. They are struggling because they cannot meet the high interest payments on the bonds they had to let to borrow money to build these schools. We recognize that around the country they are having trouble passing bond issues to provide for new schools and for renovating new schools.

We know there is a shortage of teachers. We have to do a better job of making sure teachers, who are educated at teachers colleges and other university systems around the country, are well qualified and meet certain minimum standards. We have to focus on this to make sure we have high-quality teachers and good administrators.

We have to recognize that smaller classes are important. We have to recognize on a Federal level we have a national problem across this country with school construction. We have to have a national program to help local school districts.

We have recognized for years that something has to be done about accountability. Goals 2000 is a step in that direction. We have to move on to that.

We have to make sure that children are allowed to go to school in safer schools—schools where the roofs don't leak. We have to make sure that children have access to computer equipment. That is a standard. When I was going to school, you had to have teeter-totters and swings. Now you need to have computers. Expanding activities in technology is vitally important. We have to make sure there is universal access to high-quality preschool programs.

I see on the floor today my friend, the senior Senator from Massachusetts, who more than any other person in America has made sure that we have a continuing dialog on preschool programs. Head Start programs and other programs are the brainchild of the Senator from Massachusetts.

We have to continue making sure we have high-quality preschool programs, which have been long established. The better preschool programs we have, the better students we have coming to school.

The way the family situation has developed, both parents are working. Because of the need they have, it is more important than ever that there be good, high-quality preschool programs.

The amendment now before us will allow that because it will free up money that simply isn't available to local school districts. I hope the amendment offered by Senator DODD will receive bipartisan support. The $1.2 billion set forth in this bill will be used to go directly to school districts. That is what this amendment does. Again, I hope it will receive bipartisan support.

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

Mr. COVERDELL. Mr. President, I see Senator KENNEDY from Massachusetts. I wish to respond for a moment or two to the comments of Senator REID. Then I think in the comity of events it would come to the Senator from Massachusetts.

Senator REID's statements dealt with a panoply of issues related to education but not necessarily to the amendment he just submitted for Senator DODD. In a word, the amendment offered by Senator DODD basically removes the education savings accounts provision. It would make that moot.

It is premised on the statement we have all heard many times that special education which was passed in the mid-1970s was supposed to have been funded in part by the Federal Government, in part by the State governments, and in part by the local governments. But the Federal Government never fulfilled its promise.

Interestingly enough, the Democrats were in the majority until 5 years ago. For the entire time they were there when it became law and was the agreement, they consistently ignored it.

Since a Republican majority has come to the Senate, under the leadership of a number of Members on our side—but particularly I will mention today Senator GREGG of New Hampshire—there has been a consistent attempt on our side to fund this special education funding. I will give you an example.

In fiscal year 1997, the President—that is their view—requested $2.6 billion for this need that the Senator from Nevada has been describing, but we increased that to $3.1 billion or almost a new $1 billion to put into special education. In the next year, the President offered a budget of $3.2 billion, but we passed, at the prodding of the Senator from New Hampshire, $3.8 billion or $700 million more.

In fiscal 1999, the President asked for $3.8 billion, but we answered with $4.3 billion, another half billion dollars for special education. In the fiscal year 2000 budget, the President asked for $4.3 billion, but we made it $4.9 billion.

The point is that on our side we have consistently been trying to improve this account for special education. That was ignored for almost 35 years on the other side.

I have to be a little suspicious of an amendment that suddenly wraps itself around the interest of special education when they couldn't do it for some 35 years previously. It actually took a new majority to start fulfilling their pledge for special education.

As I said, the effect of the amendment would be to make moot the education savings accounts. This issue came up last week in a discussion between myself and Senator WELLSTONE of Minnesota. This $1.2 billion or $1.3 billion that we are talking about being invested in education savings accounts will produce $12 billion in savings and investments in education. It is a classic situation. If we take the $1.3 billion and commit it to that which is recommended by Senator DODD, it will be worth $1.3 billion, and we will forfeit the value of the savings buildup that can go to do all the things about which the Senator from Nevada talked. It allows a family to purchase computers. It allows families to hire tutors. It allows families to aid and abet and assist their children who need or have special

education requirements. The effect of this amendment would be to forfeit and give up the accumulation of $12 billion in new resources and new assets.

That seems to me to be pretty shortsighted. Why would we forfeit one of the largest infusions of resources—I might add one of the smartest infusions of resources—coming from the families themselves? We are not having to raise taxes to do it. No State, nor Governor, nor local school district is having to do it. People are doing it on their own. They are producing smart, intelligent dollars because those dollars will be invested precisely on the need of the students.

At the appropriate time, of course, I will urge our colleagues on a bipartisan basis to defeat this amendment because the effect of it is designed to make moot the education savings accounts. That is the ultimate goal of this amendment.

As I said, when you look at the history of the failure to deal with special education, I think the Senator from New Hampshire referred to this effort as somewhat hollow in that year after year, no attention was paid to the special accounts. Suddenly, we will use it as a weapon against an education savings account, which would choke out, as I said, $12 billion in new resources. I am all for and will support in next year's budget additional funding for IDEA but not at the expense of forfeiting a voluntarily accumulated $12 billion that will come to the aid of public, private, and home schooling education all across the country.

I might add, the legislation we are debating deals with school construction. It does it in the appropriate way because it allows the decisionmaking to occur at the local area. The Senator from Nevada goes to great extent to suggest their plans will not interrupt or in any way constrain local school decisions. But the fact of the matter is, in the last 30 years quite the opposite has occurred. Most of our Federal programs have led to enormous constraints and mandates on local school districts. The education savings account goes in a completely different direction. It empowers parents and students and employers. It has no mandates.

So I remind everybody the legislation deals with education savings accounts empowering parents to help their children. It empowers employers to have programs of continuing education. It helps students who are in State-prepaid tuition plans so those resources are not lost to the tax collector. It contributes to allowing more flexibility so local school districts can be involved in school construction—this idea coming from Senator GRAHAM of Florida, from the other side of the aisle.

With that, I will yield the floor.

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

Mr. COVERDELL. Certainly.

Mr. DURBIN. I say to the Senator, though we certainly disagree on approach, I commend him for his interest in education. One thing I found interesting in the analysis of my colleague's bill is the suggestion that most of the benefits for education will go to the wealthiest people in this country.

Will the Senator comment on that and tell me whether he believes, as I do, that though we want every family to have an opportunity, if we are going to have limited resources applied for incentives in education, we should look to working families and middle-income families—and lower income families, for that matter, who otherwise may not ever be able to send their kids off to college—as our highest priority, as opposed to the approach of the Senator, which apparently takes the wealthiest families as the highest priority.

Mr. COVERDELL. I am pleased the Senator asked the question. I do not know where he is getting the data. Let me respond in this way. The means test is identical to the one both the President and the Congress used for the higher education IRA. There is no difference. We all celebrated that IRA account. You can save up to $500 a year for your college education. All this says is it should be larger, $2,000, and it should be available for K–12. But there is no difference in the means testing.

The data I have seen over and over suggested over 70 percent of all these savings, or the use of the savings accounts, would go to families earning $75,000 or less. So if there is a pox on this means test, then there is the same one on an account which we have all been applauding for the last 2 or 3 years.

Mr. DURBIN. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. DURBIN. My argument or observation was we want all families to consider higher education and educational opportunities, regardless of what they are earning. I will just concede for the sake of this debate that the Senator from Georgia is correct, and the $500 IRA that was proposed by the administration, supported by all of us, probably does benefit those who can save. Generally, those are people in higher income categories.

My question to the Senator from Georgia is, if he is proposing a new program in addition to this, would it not be better now to focus on those who were not served by that $500 IRA and really focus on those families who may not have the benefit of it if we are going to expand our investment in education?

The Treasury Department estimates that under the Senator's bill, the wealthiest 20 percent, the upper one-fifth of families in America, will receive nearly 70 percent of the benefits. Wouldn't it be more fair, since the initial IRA, as my colleague noted, really helps those families, that additional money spent should go to working families and those who maybe have been overlooked by both the administration and the Senate to this point? Why do we want to continue this path of subsidizing families who are the wealthiest in our country?

Mr. COVERDELL. Maybe it is just a disagreement between the two of us about what constitutes wealth. I do not consider families, middle-income, earning $75,000 or less, as wealthy people. Maybe the Senator from Illinois or some other analysis does, but I do not. I think this is the backbone of the country. They are the people who bear the largest burden of the Tax Code. They are having a hard time. Their income tax is at the highest level since World War II. It is so high now that with the disposable income available to them, to do the things we expect them to do about raising their families, they cannot do any more.

So we may just have a disagreement over who is considered wealthy.

Mr. DURBIN. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. DURBIN. I say to the Senator, my guess is when we are talking about the upper 20 percent of America, we are not talking about those of 75,000 or less; we are probably talking about $75,000 annual income or more.

Mr. COVERDELL. I said that 30 percent of these accounts, as was the case with the account we have already passed, would inure to their benefit, which is not bad.

Mr. DURBIN. Less than a third?

Mr. COVERDELL. Yes. So two-thirds plus of this, in my judgment—we can disagree—is going exactly where we want it to go.

If I might add one other point, unlike the IRA we have already passed, and unlike any other IRA, this account allows sponsors. We do not know the data on that. It is a benefit to even the lower income. It allows parents, families, unions, benevolent associations, and employers to help open these accounts. From what I have seen of people trying to utilize new tools and resources, it is the struggling families who are most likely to use these accounts.

Mr. DURBIN. I will make one final comment and then I will yield the floor because I see the Senator from Massachusetts waiting. I do not disagree with the Senator from Georgia in his intent on helping families pay for education. That, too, is a concern of my colleague, Senator SCHUMER from New York, who supports the President's plan of deductibility of college expenses on your tax returns. I think that is an excellent way of increasing opportunity in education.

I do believe, if we are going to take our money and our surplus and invest it in education, we should look to those who, frankly, need the most help. I think it would be the working families. I am afraid the Senator's approach, according to the Treasury Department analysis, gives 70 percent of the benefits to families in the upper 20 percent of America. It tips the scales heavily to the wealthiest families. I agree with the Senator's comments, and I hope his

bill will reflect we should direct more help to working families struggling to put their kids through college. I am afraid, as I see it, his bill does not do that.

Mr. COVERDELL. I will be very quick, and then I will yield so the Senator from Massachusetts will have his time.

Let me say, there is apparently some disagreement about the flow of the funds. Joint Tax states 70 percent of all benefits goes to families of $75,000 or less. Again, I repeat the means test is no different than the one that was established by the President and the Congress on the previous smaller savings accounts that we have implemented and, as I said, applauded.

I do appreciate the question from the Senator from Illinois and his interest, which I think is probably shared by all of us one way or the other, in making a very positive education environment for all in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Georgia for yielding. I, like others, have differences with the Senator, but I admire his persistence in this idea and his strong commitment to this proposal. Many of us welcome the opportunity to debate issues on education policy at this point in the session. We have been in session for a number of weeks, and we have dealt with the issues of the Marianas, bankruptcy, and one or two judges. As we come into the first of March, we are very slow and reluctant in addressing concerns of families. This is one of the issues of education.

There always seems to be some interruption. All of us are looking forward to visiting with our Governors. I am looking forward to visiting with mine. Nonetheless, sometime we ought to be about the Nation's business, and the Nation's business is the whole role of how the Federal, State, and local governments are going to provide assistance to make sure we have the best educational system.

We have a responsibility in the area of health care to ensure a full Patients' Bill of Rights so families know the information they get from the doctor is the doctor's recommendation and not an insurance agent's recommendation who is more interested in the bottom line.

We have a responsibility to debate and act on the question of prescription drugs. There is not a group of seniors in my State of Massachusetts who do not place prescription drugs as their foremost concern, and it is a legitimate concern.

We ought to be about the business of addressing those issues. These are some things on the minds of people.

We have started this debate on education policy, and we will be following up tomorrow in our Health, Education, Labor, and Pensions Committee on the reauthorization of the Elementary and Secondary Education Act.

The American people ought to understand that we provide very little out of the Federal budget to education. As my friend and colleague from Nevada has pointed out, it is about 2 percent. Most American families say: Out of $1.7 trillion, we ought to be providing more than 2 percent.

Most would want us to do it, most believe we should do it, but we have not done it. It has been resisted. I imagine we will see further resistance in the Senate debate, finding there are other priorities.

As we know, 7 to 7.5 cents of every Federal dollar goes to the local communities. We are talking about scarce resources. We have to understand we either appropriate the money or we provide tax breaks or tax incentives. It all basically comes from the budget.

What we are talking about today is $1.2 billion over the next 5 years and how it will be used. The Dodd amendment says there are public policy issues related to education that have a higher priority. He will insist the Senate vote to decide whether we are going to provide the $1.2 billion to assist local communities to offset the additional costs that are necessary for needy children, or whether the $1.2 billion will go to 7 percent of families with children in private schools.

Half the money in the Coverdell proposal, which is represented by one of these little figures on this chart, will go to benefit one of these figures and the other half will go to benefit those who go to private schools. That is not something we have admitted or stated. That is even according to Mr. COVERDELL, as he said on February 23:

> The division of the money is 50–50.

At the start of this debate, we have to ask: Where do we want the limited resources to go? Do we want to strengthen the public school systems, or do we want to divert scarce resources to the private schools? Private schools play an enormously important role in our society, but we are talking about scarce resources.

What does the Dodd amendment do? It says if we have $1.2 billion, we ought to use that $1.2 billion to help all the families in communities across the country who are burdened, in one sense, but also given an opportunity in another sense, to provide some decent education for children who have special needs. That opportunity developed in the 1970s as a result of Supreme Court cases decisions that said the guarantee by the States of educating their children also applies to special-needs children.

Our friend, Governor Weicker of the State of Connecticut, introduced legislation to help offset those additional needs for those schools. Over time, we have been trying to increase funding for special-needs children.

I take my hat off to our good friend from the State of New Hampshire, Mr. GREGG, who insists we put this as the first priority for all Government funding. Many of us believe we should increase funding for special-needs children. Senator DODD's amendment, which is so compelling, says: Look, if we have $1.2 billion, let's take that $1.2 billion and help all the communities across the country that are providing assistance to special-needs children. That is more important than taking half of that money and giving it to the private school students. I think a pretty good case can be made for that.

Senator DODD has offered an amendment in the past to do exactly that. On April 23, 1998, he offered that amendment, and it failed by a narrow margin. He was able to marshal almost half of the Senate. We are very hopeful the Dodd amendment will be successful today.

I offered a similar amendment in March of 1999 at the time the Senate was considering the $792 billion tax break bill. The tax break bill—remember that?

We listened to many of our colleagues talking about the importance of having special education and funding special education. I offered an amendment that said: All right, let's adopt what would have been part of the tax break bill to fund special education needs for the next 10 years. Do you know what that would have meant in terms of a reduction in the tax break bill? It would have reduced the total tax break for fortunate individuals and corporations by only a fifth. Four-fifths would have still gone through the Senate.

That was a pretty good opportunity to say: If we are really serious about trying to do something for special-needs children, let's go ahead and take the opportunity with real money—not authorizations, not on appropriations that may be rejected or vetoed because they have other kinds of proposals; no gimmicks—let's do something that is actually going to go to the President of the United States, something that is going to go on through and at least be considered. Not a single vote—not one vote, not five votes, not four votes, not three votes, not two votes—not a single one came from that side of the aisle.

You can imagine why many of us, when we hear these statements on the other side about the importance of special education and special needs, why we take that with a good deal of doubt.

The fact of the matter is, many of these proposals that we will have an opportunity to debate later on have some important impact on special education. In smaller classes, teachers can help identify those children with some special needs and can be separated out to be given the extra help and assistance they need, instead of the children being thrown into the situation where it makes it much more complicated and expensive.

Early involvement, through the expansion of the Head Start Program, most importantly, can get some help and assistance to those students; and, secondly, save a good deal of resources in funding.

We do not believe you ought to place one group of children against another, but some do. Those of us who have been in support of the President's program, Vice President GORE's excellent program, with an emphasis on early intervention, do not believe in pitting one child against another.

We will have the opportunity to follow Senator DODD's leadership and say: Let's just take this funding—half of the money goes to about 10 percent of the children, and half of it goes to 90 percent of the children—let's say: We find that this is sufficiently important that we are going to provide the funds for all of the special needs.

I do not want to take much time of the Senate, but I do want to review a little bit about education policy in recent times because I believe this is a matter of enormous importance and consequence. We ought to understand whether this is just a policy difference between us or whether this is something that is much more basic and fundamental.

I have here statistics going back for the last 6 years under Republican leadership, showing where the Republican leadership has been on the issue of cuts in education funding.

In the 1995 House rescissions bill, we have $1.7 billion enacted. It had been appropriated, and the President signed it. The new leadership said: We are going to go right back there under rescissions and take $1.7 billion. That was done just after the election.

In 1996, House Appropriations cut $3.9 billion below the previous year. In 1997, it was $3.1 billion below the President; in 1998, it was $200 million below the President; in 1999, $2 billion below the President; for the fiscal year 2000 House bill, $2.8 billion below the President.

You cannot say: Well, you can do anything with figures around here. That is a pretty consistent record of where the Republican leadership has been over the last 6 or 7 years on the priorities of education.

Those of us who believe in investing in children, who believe we need a partnership at the Federal, State, and local level, are not saying that money, in and of itself, is going to provide all the answers. But what we are saying is: Investing in resources is a pretty clear indication of a nation's priorities and a pretty clear indication of what is believed to be important.

Where you had 3 or 4 years ago the cutting of billions and billions of dollars, and abolishing the Department of Education, now we come out with $1.2 billion—some $300 million a year—as their first priority in the areas of education.

I have some difficulty in believing that is really what the American people want. I think the American people want us to say: Let's get the best ideas among Democrats and Republicans to get the best trained teachers and put them in every classroom in America. And let's find out how to make sure that teacher is going to stay there. Let's find out how we are going to be able to cut back on the size of larger schools so we can get students into smaller classes, which has been demonstrated to show a higher degree of academic performance.

Let's talk about afterschool programs and how they are being tied to performance in universities and how they are being tied to the private sector, where there are job opportunities with help and assistance from tutorials.

Let's talk about programs such as the one I saw just yesterday in my home city of Boston. Intel, one of the great American companies, is doing workshops to try to provide help and assistance to inner-city kids. They are going to open up programs around the country. Let's talk about what they are doing. If those programs are so good, we ought to be able to replicate them. Let's talk about how we are going to provide greater opportunities for kids to continue on into higher education.

It seems to me the American people want this debate and want it out here on the floor of the Senate. But, oh, no, we have this particular proposal.

That is why I think it is so important that we have the opportunity to vote on the Dodd proposal. What we are basically saying is: All right, $1.2 billion; let's put this in the areas of special needs. Let's go ahead and help them. That is an important area. Let's go on and provide that kind of help and assistance.

Senator DODD knows so well, as others, that before we had the IDEA, we had about 5.5 million children locked in closets who never went to school.

Now we find that children who are going to complete high school, 57 percent of the disabled youth are competitively employed within 5 years after leaving high school, compared to an employment rate of 25 percent for disabled adults who have never benefited from IDEA. When we invest in these children, we get results. The Dodd amendment is what is going to get results for some of the neediest causes for families in this country.

In my own State of Massachusetts, there are small towns where families have these kinds of challenges with regard to a particular individual. The schools have to provide those services. It provides a very significant increased burden on the taxes of those local communities. Let's say, look, wherever they are, if they are in Georgia, if they are in Illinois, if they are in Massachusetts, they are going to get some help and assistance from this particular program.

There is a priority. That has a higher priority than just providing this kind of money that is going to be scattered the way it has been indicated. That is the essence.

I see the good Senator from Connecticut, our leader on this fight time and again. We commend him for staking out, in the first real order of business, the first real order of debate, the importance and significance of this amendment and helping to provide for families who have special needs children.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator for his presentation this morning and his leadership throughout his career in the Senate on issues of education. There is no Senator on the floor who can hold a candle to Senator KENNEDY when it comes to issues of education. He not only understands them in a better way than most of us, but he is more articulate, forceful, and committed than any Member of the Senate. It is a pleasure to join him in this debate this morning.

I think he has very convincingly laid out the case of the difference between the two parties. Our Republican friends on the opposite side of the aisle have a different view of education than Democrats do. There have been those on the Republican side who have called for abolishing the Department of Education in Washington. There have been those, as well, who have suggested that if the Federal Government has a role, it should be in supporting private schools with the so-called voucher system.

There have been those who have opposed suggestions from the President and others that if the Federal Government is to have a role, albeit a small role, it should be focused on things that are so important for every school district across America, whether it is modernizing our school buildings so the kids who presently are enrolled have an opportunity and access to the best technology to prepare them for the future, whether it means teacher training so the teachers we respect so much today can continue to develop their skills, so the children coming in the classroom really are, in many cases, taught by teachers who understand the new technology as well or better than the children.

There is a standing joke in my office that if you can't understand how the computer works, look for a teenager. I think most of us understand that young people because they have been raised in this culture and have no fear of this machinery, many times eclipse the skills and talents of even the teachers in the classroom.

Democrats believe on focusing some money on teacher training. A better trained teacher is going to do a better job in the classroom. Of course, the reduction of class size is part of this as well. I have seen school districts in my home State of Illinois and the city of Chicago, in a more Republican area in general, Du Page County, a wealthier area, where teachers tell me, with a smaller class size they can pick out the kids who need special help and make sure they keep up with the class. They can also identify the gifted kids and give them better and tougher assignments so they can improve, too. These

are the issues on which Democrats have said time and again we should focus.

Our colleague, Senator DODD from Connecticut, has joined us. I am happy he is here because he has a very critical amendment. Where Senator COVERDELL's bill suggests we will focus half of the assistance in this new program on private schools where only 10 percent of our kids attend school and where he has said the vast majority of the resources in his bill will go to the wealthiest families in our country, those in the upper 20 percent, Senator DODD comes in with a much more practical and grounded alternative.

I will leave it to the Senator to explain it in detail, the idea that we would provide school districts across America, rich and poor, wherever they are located, assistance in helping to educate kids with special needs. Meet with any school board member, any school superintendent, or many teachers for that matter, and ask them about the challenges of today. They will tell you that kids with special needs, disabled kids, need special attention so they can develop their highest potential. It costs money to do it. It takes extra resources. We have made the commitment in theory. What Senator DODD suggests is we should put our money where our commitment is and say to these school districts that we will help you with these kids. We believe it is worth the investment.

At this point I see Senator DODD is on the floor and prepared to discuss his amendment. I am happy to yield to my colleague from the State of Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. Let me also thank our good friend, the Senator from Nevada, HARRY REID, for introducing the amendment on my behalf. Unfortunately, I was delayed this morning due to a problem with my flight. I apologize for not getting here earlier and I am grateful to my colleague for stepping in to help.

I see my good friend from Georgia is here. We have gone around on this issue in the past. I have great respect and admiration for him. We disagree on this issue, so I am sure we will have a good healthy debate about it.

In fact, we may not disagree about it at all. What I am trying to do with this amendment, I presume my friend from Georgia and others would also support. Let me briefly outline the amendment for my colleagues. While we only have a few minutes this morning, we will resume debate this afternoon.

It is somewhat ironic, in a way, that we will be meeting in about 22 minutes with the national Governors. We will gather together and have a joint meeting. I commend the leadership for arranging that.

Due to this meeting, I think it is worthy of note that the Governors are headed up by Mike Leavitt, Governor from Utah; Governor Mike Huckabee, vice chair on Human Resources from Arkansas; Governor Jim Hunt from North Carolina, who is the chair of the Committee on Human Resources; and Governor Tom Carper of Delaware, who is co-chair with Mike Leavitt of the National Governors' Association.

This letter is dated a year ago, but it was about a year ago that we engaged in a similar debate. At that time, a letter was sent to our colleague, PETE DOMENICI, chairman of the Committee on the Budget. The letter specifically addresses the issue my amendment proposes to correct or to at least offer to provide some support for special education funding. The letter says:

As you prepare the budget resolution for the coming fiscal year, the nation's Governors urge Congress to live up to agreements already made to meet current funding commitments to states before funding new initiatives or tax cuts in the federal budget.

The federal government committed to fully fund—defined as 40 percent of the costs—the Individuals with Disabilities Education Act (IDEA) when the law, formerly known as the Education of the Handicapped Act, was passed in 1975. Currently, the federal government's contribution amounts to only 11 percent, and states are funding the balance to assist school districts in providing special education and related services. Although we strongly support providing the necessary services and support to help all students succeed, the costs associated with implementing IDEA are placing an increased burden on states.

We are currently reallocating existing state funds from other programs or committing new funds to ensure that students with disabilities are provided a ''free and appropriate public education.'' In some cases, we are taking funds from existing education programs to pay for the costs of educating our students with disabilities because we believe that all students deserve an equal opportunity to learn. Therefore, Governors urge Congress to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA so the goals of the act can be achieved.

Mr. President, I also have a letter, dated February 23, 2000, from the National School Boards Association opposing the underlying bill, the Affordable Education Act, and supporting my amendment. Specifically, I quote from the letter:

NSBA believes that a greater benefit for children and taxpayers alike will occur if this money is spent meeting the unmet federal commitment in special education. Throughout the country, taxpayers are indirectly paying higher school and property taxes in their districts to compensate for the federal funding shortfall in the education of children with disabilities. Rather than create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools.

I ask unanimous consent that the letters from the Governors, as well as the National School Boards Association, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
March 9, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you prepare the budget resolution for the coming fiscal year, the nation's Governors urge Congress to live up to agreements already made to meet current funding commitments to states before funding new initiatives or tax cuts in the federal budget.

The Federal Government committed to fully fund—defined as 40 percent of other costs—the Individuals with Disabilities Education Act (IDEA) when the law, formerly known as Education of the Handicapped Act, was passed in 1975. Currently, The Federal Government's contribution amounts to only 11 percent, and states are funding the balance to assist school districts in providing special education and related services. Although we strongly support providing the necessary services and support to help all students succeed, the costs associated with implementing IDEA are placing an increased burden on states.

We are currently reallocating existing state funds from other programs or committing new funds to ensure that students with disabilities are provided a ''free and appropriate public education.'' In some cases, we are taking funds from existing education programs to pay for the costs of educating our students with disabilities because we believe that all students deserve an equal opportunity to learn. Therefore, Governors urge Congress to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA so the goals of the act can be achieved.

This is such a high priority for Governors, that at the recent National Governors' Association Winter Meeting, it was a topic of discussion with the President as well as the subject of an adopted, revised policy attached. Many thanks for your consideration of this request.

Sincerely,

GOV. THOMAS R. CARPER.
GOV. MICHAEL O. LEAVITT.
GOV. JAMES B. HUNT, Jr.,
Chair, Committee on Human Resources.
GOV. MIKE HUCKABEE,
Vice Chair, Committee on Human Resources.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, February 23, 2000.

Re Oppose S. 1134, the Affordable Education Act

MEMBER,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the nation's 95,000 local boards members, the National School Boards Association (NSBA) urges you to oppose S. 1134, the Affordable Education Act.

NSBA is opposed to this legislation that would expand education savings accounts to allow tax-free expenditures for K–12 public, private, and religious school tuition. NSBA believes that limited public funds could be better invested in priority areas of K–12 education. Specifically, Congress should focus scarce tax dollars on the federal government's current obligations to our nation's public schools.

The Joint Tax Committee estimated that K–12 education savings accounts come with a price tag of well over $2 billion over ten years. In addition to the expense of this program, education savings accounts would disproportionately be used by affluent families and provide very little benefits to lower and middle income families. NSBA believes that a greater benefit for children and taxpayers alike will occur if this money is spent meeting the unmet federal commitment in special education. Throughout the country, taxpayers are indirectly paying higher school and property taxes in their districts to compensate for the federal funding shortfall in

the education of children with disabilities. Rather then create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools.

Providing additional funds for students with disabilities will enable Congress to take a small step forward in eliminating the unfunded mandate on local school districts. This, in turn, will free up funds at the local level to help increase student achievement for all students.

NSBA urges you to oppose the education savings accounts legislation. If you have questions, please contact Dan Fuller, director of federal programs, at 703–838–6763.

Sincerely,

MICHAEL A. RESNICK,
Associate Executive Director.

Mr. DODD. Let me again make the point I made last week and will make again this afternoon. There are parts of this bill the Senator from Georgia is offering with which I have no disagreement. However, it seems to me that we are talking about relatively scarce resources. While we are in a surplus—and we all applaud this fact—we all know we don't have all the money we would like to spend in educational areas. But to have a tax break of a $1.2 billion over 5 years, the cumulative benefit, according to the Joint Committee on Taxation, would amount to $20.50—$20.50 on average.

My amendment would provide a benefit that would go back to our communities where we know from our mayors and county executives how difficult it is for local taxpayers to support the costs of special needs education. In some cases, the cost of a special needs child can be $50,000 or more per year. Now, on average, it is a lot lower, but there are cases that are not that rare, in fact where the costs are very high, that is borne by the local property taxpayers, or the State taxpayers.

We made a commitment—the Federal Government—and said: we think you ought to provide an education for all children in this country. We think it is important to educate children with disabilities. I will tell you what we will do, communities and States. If you will support this effort and put up 60 percent of the money, we will put up 40 percent of the money.

Despite the fact we made that commitment more than a quarter century ago, we have only gotten up to 12.7 percent. Now, $1.2 billion doesn't get you to 40 percent, but it gets you a lot closer. That is real tax relief, what the Governors are asking us to do, what the national school boards are asking us to do, and what our mayors and county executives have asked us to do.

I can't think of a better way to allocate $1.2 billion if we are going to do it at this juncture, do what the Governors asked us to do and what the mayors asked us to do—that is, be the partner we promised to be on special education.

My mayors in Connecticut tell me it is the most important issue to them. I asked them what we can do to help them out. They say: Help us in this area. You made the promise, so why don't you do it?

Instead, what we do too often is pit people against each other in local communities, where a family, unfortunately, has been hit with a child born with a significant disability and, all of a sudden, the cost of educating that child is high, and there are people who resent that fact locally. It creates tensions in our towns and cities. I don't think that ought to be the case. So with scarce resources, why not pitch in, why not meet the commitments we have made.

This may take a supermajority vote. I suspect there is going to be a point of order raised against this amendment that will require 60 votes. I have listened to my colleagues over and over, going back some 7, 8, 10 years ago when I first offered this amendment in the Budget Committee. I lost the amendment on a tie vote. To the credit of the majority leader, TRENT LOTT, he supported me, as did several other Republicans. However, I lost some Democratic votes on the Budget Committee. Almost every year since then, I have offered some variation of this amendment. We have come close some years, not so close in others. But all of us know when we go back to our States, this is an issue our constituents and their representatives at the local level care about, and they want the Federal Government to live up to the commitments we made so many years ago.

It is important to children with special needs. Again, I am preaching to the choir, I suspect, because all of my colleagues care about education. But if we are going to have the best educated population this country has ever produced—and I think we need to do that if we are going to succeed in the 21st century—then we have to make intelligent investments of taxpayer money when it comes to achieving that goal.

We have children with special education needs. This is an opportunity now for us to not provide a $20.50 average tax break, but to get money back to these communities that will allow them to provide the kind of educational opportunity for children with special needs who can be productive, contributing members of our society. But if children with disabilities don't get the educational tools they need, they too often face insurmountable obstacles.

Again, it is not that what the Senator from Georgia has proposed is necessarily a terrible idea; I am not suggesting that. I suggest if you have limited resources, and we have clear choices—I think most Americans when confronted with the choice of getting a $20.50 tax break over 5 years, or seeing this money go to defray local property taxes or State taxes, to live up to the commitment on special education, I believe most Americans would choose the latter; they would see this as a better investment of their tax money by reducing those costs.

So I also want to add, if I could at this point, a list of what it costs each State, the charts that will spell out in each State the special education costs. They are very high. These are very high costs in terms of what we are contributing. To give you an idea, in the State of California, in special education costs, we come up with 5 percent of the money, the State comes up with 71 percent, and the local government comes up with 24 percent. Going on down this list of various States, to give you some sense of it. In the top State I can find, Indiana, we do 17 percent, the State does 63, and the local does 20. Most of them are in the single-digit area where it is 4, 5, 6, 9 percent coming from the Federal Government.

Mr. President, I ask unanimous consent that this list of education expenditures reported by selective States on special education be printed in the RECORD.

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

TABLE I–2—SPECIAL EDUCATION EXPENDITURES AS REPORTED BY SELECTED STATES

[19th annual report to Congress: Section I—The costs of special education]

State	Total special education expenditures*	Associated special education student count**	Average State-defined special education expenditure per student	Percentage of support by source			Confidence in data
				Federal	State	Local	
California	[A] $3,070,700,000	[D] 550,293	$5,580	5	71	24	SC
Colorado	[A] 260,337,092	[E] 76,374	3,409	9	31	60	HC
Connecticut	627,331,211	73,792	8,501	4	37	59	HC
Florida	[B] 1,470,186,078	[D] 290,630	5,059	6	56	38	C
Indiana	[B] 350,430,294	127,079	2,758	17	63	20	NC
Iowa	[B] 277,700,000	[E] 65,039	4,270	11	70	19	HC
Kansas	[B] 326,106,608	47,489	6,867	7	54	39	HC
Louisiana	427,924,416	[E] 108,317	3,951	6	94	0	C
Maine	[B] 145,000,000	30,565	4,744	8	59	33	HC
Maryland	757,328,777	95,752	7,909	5	26	69	HC
Massachusetts	1,065,523,416	149,431	7,131	6	30	64	HC
Michigan	[B] 1,334,000,000	[F] 188,703	7,069	6	34	60	HC
Minnesota	[A] 689,656,932	[D] 96,542	7,144	6	70	24	NC
Missouri	436,778,659	[G] 121,419	3,597	10	30	60	C
Montana	54,865,132	17,881	3,068	14	60	26	HC

TABLE I–2—SPECIAL EDUCATION EXPENDITURES AS REPORTED BY SELECTED STATES—Continued

[19th annual report to Congress: Section I—The costs of special education]

State	Total special education expenditures*	Associated special education student count**	Average State-defined special education expenditure per student	Percentage of support by source			Confidence in data
				Federal	State	Local	
Nevada	202,369,114	24,624	8,218	4	40	56	C
New Mexico	[B] 250,000,000	45,364	5,511	9	90	1	SC
North Carolina	[C] 344,809,332	142,394	2,422	15	76	9	HC
North Dakota	54,560,122	12,180	4,479	10	31	59	SC
Rhode Island	147,300,000	25,143	5,858	5	36	59	HC
South Dakota	61,618,034	15,208	4,052	13	49	38	HC
Vermont	79,155,945	[H] 10,131	7,813	5	39	56	HC
Virginia	608,692,266	[D] 129,498	4,700	9	23	68	C
Wisconsin	[A] 630,000,000	95,552	6,593	6	62	32	C
Total for all reporting States	13,929,607,674	2,581,905	5,395	7	53	40	
Total for highly confident or confident States	9,514,260,326	1,750,477	5,435	7	44	49	

*States reported for the 1993–94 school year except as designated below.
**Count of students reported by the State associated with the reported total expenditure; includes age range 3–21 except as designated below.
[A] 1992–93 [B] 1994–95 [C] 1990–91 [D] Includes age range 0–22 [E] Includes age range 0–21 [F] Includes age range 0–26 [G] Includes age range 3–22 [H] Includes age range 5–22.
Confidence in Data:
HC—Highly confident SC—Somewhat confident C—Confident NC—Not confident.
Source: CSEF Survey on State Special Education Funding Systems, 1994–95.

Mr. DODD. Mr. President, it is unfortunate, in a sense, to begin this dialog with such a piece of legislation that my friend from Georgia has offered, which I think is not well conceived in terms of the impact it could have, if we chose to dedicate it to special education.

While education may be the issue foremost in the minds of the American public, I highly doubt that the public has this legislation before us this morning in mind when they think of ways the Federal Government could be helping to improve our schools in this country.

Education savings accounts, as proposed in this legislation, represent, in my view, bad education policy, bad tax policy, and a waste of valuable Federal resources that could be so helpful if directed to public schools and special education needs. In fact, the legislation offered by our friend and colleague from Georgia offers very little to public schools.

Remember, there were 55 million kids in this country getting up and going to school a couple of hours ago. They went off to elementary and secondary schools this morning across the country; 5 million went to a private or parochial school; 50 million went to a public school. Even if we try to take every kid out of a public school and put them in a private school, they would not fit. The overwhelming majority of kids who went to school this morning went to a public school. Certainly, while we bear a responsibility to try to improve the quality of education for all children, we certainly have a unique and special responsibility to see to it that public education gets our undivided attention—at least the majority of our attention on this issue, not at the exclusion of the others.

Certainly, we have a very high degree of responsibility to see that these children are going to get the quality education they deserve. According to the Joint Tax Committee, not a partisan committee, the average benefit per child in public school would be approximately $20.50 over 5 years. I ask the question: How is the family of a public school student going to improve their child's education environment with an average benefit of $5 a year? I believe, however, that we can salvage the bill before us and make a real contribution to the work of teachers, parents, and our communities.

My amendment simply does the following: It takes the $1.2 billion in this proposal and sends it down instead to local schools to help meet the costs of special education. This straightforward proposal offers an alternative to the underlying legislation, which will make a real difference, in my view, in education and in our schools.

Upon the enactment of the Individuals With Disabilities Education Act in 1975, the Federal Government committed to our State and local governments around this country—to all 50 States—that it would contribute—we would, the Federal Government would, the Congress would—40 percent of the funds needed to provide special education services. That was 25 years ago we made that commitment.

Presently, the Federal contribution for special education is 12.7 percent of their special education costs. And that varies from State to State. The Federal contribution to special education has never risen above 13 percent. The Federal Government, today, would need to boost its IDEA funding an estimated $15.8 billion to live up to its original commitment to our Nation's special needs children in our districts and States across the country.

The amendment I offer this morning would redirect the $1.2 billion over 5 years spent by the Coverdell initiative to IDEA. These funds would directly aid State and local school districts in providing the critically important special education services children with disabilities deserve.

I often hear from school and town officials in my State of Connecticut—as I am sure the Presiding Officer does in Idaho, and my colleague from Georgia does as well—about the high costs associated with providing special education services. Our local school districts are struggling to meet the needs of their students with disabilities which at times can be overwhelming to smaller rural communities. In Connecticut, the State spends more than $700 million annually, or 18 percent of the State's overall education budget, to fund special education programs. In Torrington, CT, special education costs recently increased from $635,000 to $1.3 million over a two year period. Torrington is a relatively small, midsized, urban community in my State. It is not Hartford, Bridgeport, New Haven, or Stamford. Torrington is a small town. $1.3 million in that small town's budget goes to provide special education services. However, for my part, I believe the issue is not that special education services may cost too much. They are clearly a good investment, in my view, over the long term. Rather, the issue is that the Federal Government contributes too little.

Congress passed the IDEA legislation. I believe Congress should fulfill its commitment to our Nation's special needs children and our communities by increasing its share, as we committed to do, of special education costs before we enact legislation proposals such as the one before us that do nothing, in my view, to improve the quality of our public schools.

Over the last few years, this body has greatly strengthened the federal commitment to children with disabilities. Since fiscal year 1998, Congress has increased special education funding by 25 percent. However, that money is spread thinly across 50 States.

Despite the Federal Government's recent increases in its support for special education services, the cost of providing these services has risen dramatically in recent years. Our recent increases in funding are not keeping pace with increased costs. Today, providing special education services to a child with a disability costs about 2.3 times that of regular education. Special education spending grew 19 percent of all school spending in 1996 across the country.

Thus, changes in enrollment in special education programs in recent years is also a key factor behind increases in costs for special education

programs. In the last 5 years alone, schools' special education enrollment has increased by 12.6 percent. Today, 1 out of every 10 students in public schools receives special education services under the IDEA legislation.

In my own State of Connecticut, approximately 14 percent of all students are enrolled in special education programs. Our State and local school districts need our help. The amendment I am offering today moves us in the right direction.

According to a 1996 Gallup poll, 47 percent of those surveyed said America is spending too little of its education budget on students with special needs. Only 5 percent of those surveyed reported that too much is being spent on special needs children. The amendment I offer Senator COVERDELL's legislation would address this public concern.

By increasing the Federal contribution to States for special education services, I believe we will greatly aid State and local school districts by allowing them to reduce the disproportionate share of special education services they have had to carry for far too long. When school districts are forced to increase the amount of funds for special education, they are often forced to raise taxes or reduce funding for nonspecial education programs. These school districts need our help. More importantly, though, children with disabilities need our help more.

Demonstrating the importance of special education funding to our States, the National Governors' Association—again, I refer to the letter behind me to the Senate Budget Committee chairman—asks Congress to fulfill its commitment to special education funding before ''funding new tax initiatives or tax cuts'' such as being proposed by the Coverdell proposal.

Additionally, the National School Boards Association letter dated February 23 to all Senators says, ''Rather than create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools'' across the country.

We often like to talk in this body about what the public wants and what they need. Yet here we have the National School Boards Association, those who every day have to make the tough choices deciding how to operate our schools across the Nation, asking us not to enact tax relief that would only benefit a select few and telling us what our children really need—better qualified teachers, smaller class sizes, and more funds for special education.

Today, I hope as we come back later in the afternoon to this amendment that our colleagues will rally behind us. We could accomplish a great deal. It would be a major first step in coming together in a bipartisan way to do something about which all of us have talked to our States about for many years, and that is to be a better partner when it comes to educating children with special needs. We have not been the full partner we promised to be. The costs are going up, and the local taxpayer is being saddled with that burden.

We have an obligation and I think a responsibility. We can live up this obligation this afternoon by voting for this amendment and saying that the $1.2 billion in this proposal we will given back to our States to give to these children, to these mayors, to the county executives, and to our Governors to see to it that these children and our communities will have an opportunity to meet those responsibilities.

I see that the hour for us to recess is about at hand. I will not delay the proceedings of the Senate any longer except to note that I will come back this afternoon to talk about this further and invite my colleagues to come forward on both sides of the aisle to engage in this discussion. We haven't had many votes this year. We haven't had much of an opportunity in this Congress to express what we think the priorities of the American public are and how we can fulfill them. But we all know education is right at the top of American's priorities, indicating that the American public wants this Congress, their Government, to pay attention to the needs of the educational responsibilities in our country. I think we have a chance to do that today with this amendment.

Presently, we only contribute 7 cents out of every dollar to education. Ninety-three cents comes from local and State taxes. Seven cents comes from Washington DC. But here we have a chance, with our 7 cents, if you will, to do something meaningful for our States and meaningful for these families and children with special education needs.

My sincere hope is that when the opportunity arises for us to answer the rollcall on how we stand on this issue, this body will vote overwhelmingly in support of this amendment and do something very meaningful today with a message we can give our Governors as they go back to their States, and say, Congress is a partner when it comes to special education needs.

I yield the floor. I note 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. COVERDELL. 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. COVERDELL. Mr. President, I will have a good bit to say about this most recent presentation by the Senator from Connecticut. Now is not the time.

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. COVERDELL. 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. COVERDELL. Mr. President, it is my understanding by previous order we are to recess at 11.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate stands in recess until 2:15.

Thereupon, at 11:01 a.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Georgia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AFFORDABLE EDUCATION ACT OF 1999—Continued

Mr. COVERDELL. Mr. President, I ask unanimous consent that the time between now and 4 p.m. be consumed in an equally divided fashion for debate on the pending Dodd amendment, and at 4 p.m. the Senate vote in relation to the Dodd amendment. I further ask consent that following the vote, the Senate resume consideration of the Collins amendment No. 2854.

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

Mr. COVERDELL. Mr. President, I further ask unanimous consent that following the disposition of the two above-described amendments, Senator ROBB be recognized to call up an amendment regarding school construction.

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

Mr. COVERDELL. Mr. President, in light of this agreement, Members of the Senate should note that the next vote will occur at 4 p.m., and a second vote regarding the Collins amendment will occur shortly thereafter.

AMENDMENT NO. 2857

Mr. COVERDELL. Mr. President, while the other side is preparing further remarks about their amendment, I want to make it very clear that the amendment offered by the Senator from Connecticut would, one, make moot the principal core of this legislation, the education savings account. It just wipes it out. No. 2, I wish to make the point that he is making moot an issue that has received extensive bipartisan support in the Senate.

The principal coauthor of the education savings accounts is Senator TORRICELLI of New Jersey. When this

was last voted on before the Senate, it received 59, 60 votes—again, a very bipartisan expression in support of the education savings accounts. I want to make it clear that this amendment would have the effect of destroying a core bipartisan component.

The second point I wish to make is that the Senator from Connecticut argues the money used to create this educational IRA should be used to enhance the funding of special education. Special education, he rightfully points out, is important and represents an unfunded mandate of some 25 years.

I find it interesting that for 25 years the other side of the aisle found it acceptable to ignore the Federal responsibilities for special education, and now with a new majority, we on our side of the aisle have doubled funding for IDEA. We have an attempt to empower parents and local communities to deal with educational requirements for children, and we now find this amendment and the great need on the other side of the aisle to deal with IDEA. There is an incongruity of letting it sit there for so many years without paying attention to it and now all of a sudden it is important.

Mr. DODD. Would my colleague yield on that?

Mr. COVERDELL. I will in a moment.

No. 3, let me say to the Senator from Connecticut, first of all, I agree with the attempts to fund special education for all the reasons the Senator enumerates. But I do not find them mutually exclusive. I do not think we have to take this bipartisan education savings account legislation and throw it in the trash heap to do this.

We have increased funding over the President's proposals for special education 5 years in a row. I think we will do so again. I think this Congress will respond to the goals the Senator has enumerated and to the letter the Senator has showed us from the Governors who, indeed, think this pledge that was made a long time ago and ignored for an awfully long time should be fulfilled. So we agree on that premise. But I do not think you have to make this moot in order to do it.

The last thing I would say—and it is the Senator's amendment, so I want him to be able to conclude his debate—is that we disagree on the nature of the policy. The Senator's side of the aisle, those who do not support it—not those who do—somewhat attempts to minimize the significance of it.

I take some issue with that because we are all down here playing the laudatory band for the fact we passed an IRA for higher education that had parameters identical to the means test that applies here, but its value is only one-fourth what the value of this proposal is. I do not think you can make this an insignificant advantage to people on the one hand but say this education savings account was a great accomplishment on the other.

Frankly, I think the education savings account that we passed for $500 per year for higher education is a good thing. I supported it. I proposed it. But this is four times the value of that.

In conclusion, I think anything that causes American citizens to save is a good thing. That piece gets left out of this debate. We are going to forgive $1.2 or $3 billion over 5 years. Actually, I say to the Senator, for 10 years it is about $2.4 billion. As a result of that, Americans are going to save $12 billion. All of it is going to go to education—half of it to public education and half of it to private education. And 70 percent of the families are going to be in public education; 30 percent of the families are going to be in private education. This is going to do good things. It is going to help families who do have special education problems. I think that is good policy.

I think simultaneously we are going to address the goal of the Senator and many of us who share that goal of trying to accelerate funding for IDEA. But as I said, I do not think it has to come at the expense of this idea. Senator WELLSTONE and I got into a debate after the Senator spoke the other day, and I said: There are not many Federal expenditures that provide incentives to people to create large sums of resources that come to education. If you take this $1.2 billion, as you suggest, and move it to IDEA, it is not bad that we have done it for IDEA, but you will leave $12 billion on the table. It just evaporates. I do not think there is any need to do that.

I think having those resources in 14 million families, for 20 million children, is of enormous good and will help those families do things that are very meaningful for their children.

I have gone through this rather briefly, but it is the essence of my disagreement—not with the idea of funding IDEA or special ed but that you make them mutually exclusive.

With that, I yield the floor so the Senator may continue explaining his amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me respond to a couple of points my friend and colleague from Georgia has raised.

First of all, going back over the history of IDEA and where the support has been and not been over the years, I will ask unanimous consent that this chart, dating from 1980 through the year 2000—over 20 years—be made a part of the RECORD. It indicates the years and what the various Presidents have requested, what was actually appropriated—the distinction between what Presidents offered and what Congress agreed to.

From 1981 through 1992, without exception, the Presidential request was lower than what Congress actually appropriated. Then in 1993, 1994, 1995, and 1996 Congress actually appropriated a little less than what the Clinton administration requested. In 1997, 1998, 1999, and 2000—my colleague is correct—the last 4 years, is where you actually have the Congress doing better than the Presidential request.

But over the 20 years, through the Reagan and Bush administrations, it was Congress that raised the amount. Most of those years in the Senate—not all, but certainly all those years in the House—the Congress was in the hands, if you will, of the Democrats. So there is a strong background of this.

As I mentioned today, in the Budget Committee I offered—and I am certainly not arguing on behalf of my party; in fact, I lost votes of my party in the Budget Committee. I think I pointed out earlier I had the support of TRENT LOTT, who was a member of the Budget Committee at the time. But when I was on the Budget Committee a number of years ago I tried to put into the budget function category a number, over a period of years—I did not care what amount of years the Congress wanted to accept; 5 years, 10 years, 15 years—with the goal in mind we would reach the 40-percent commitment we committed to in 1975. That is, that the Federal Government would be a much better partner in supporting our local communities with special education costs.

I ask unanimous consent this chart that goes from 1980, actually, through the year 2000, indicating Presidential requests and what Congress appropriated, be printed in the RECORD.

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

SPECIAL EDUCATION GRANTS TO STATES

[Budget authority in billions of dollars]

Year	President's request	Appropriation	Pres. req. vs. appropriation difference	President's proposed increase	Appropriation annual increase
1980		874.50			
1981	691.50	874.50	183.00	(183.00)	
1982	649.09	931.01	281.92	(225.41)	56.51
1983	771.70	1,017.90	246.21	(159.31)	86.89
1984	998.18	1,068.88	70.70	(19.72)	50.98
1985	1,068.88	1,135.15	66.27		66.27
1986	1,135.15	1,163.28	28.14		28.14
1987	1,135.15	1,338.00	202.86	(28.14)	174.72
1988	1,259.38	1,431.74	172.36	(78.62)	93.74

SPECIAL EDUCATION GRANTS TO STATES—Continued

[Budget authority in billions of dollars]

Year	President's request	Appropriation	Pres. req. vs. appropriation difference	President's proposed increase	Appropriation annual increase
1989	1,474.24	1,475.45	1.21	42.50	43.71
1990	1,525.61	1,542.61	17.00	50.17	67.16
1991	1,615.13	1,854.19	239.06	72.52	311.58
1992	1,976.10	1,976.10	.....	121.91	121.91
1993	2,073.30	2,052.73	(20.57)	97.21	76.63
1994	2,163.71	2,149.69	(14.02)	110.98	96.96
1995	2,353.03	2,322.92	(30.12)	203.35	173.23
1996	2,772.46	2,323.84	(448.62)	449.55	0.92
1997	2,603.25	3,109.40	506.15	279.41	785.56
1998	3,248.75	3,801.00	552.25	139.36	691.61
1999	4,020.70	4,310.70	290.00	219.70	509.70
2000	4,314.00	.....	.....	.....	.....

Note.—Numbers in parentheses are negative.

Mr. DODD. For those who may be interested, there is a strong record of the Congress through all of the 1980s, up until 1992 actually, doing a better job in terms of what we put into special ed than the administration, which did a bit better from 1992 up through 1996; and then the Congress has done better than the President in the last 4 years in these areas.

Secondly, with regard to the point raised, again, I said earlier, there are parts of the bill offered by my friend from Georgia with which I agree. I am not offering this amendment as a substitute to his bill. It is only dealing with one part of it. There are parts of this bill of which I am very much supportive. It is like anything else, you have to make choices. Would we like to do everything? Maybe some people would like to do everything. But we can't do everything. We have all painfully learned that.

We finally have ourselves in a situation where we now have surpluses. We are moving in the right direction. The interest rates and the economy reflect the fact that we are showing much more fiscal discipline than has been the case in the past.

I am suggesting that given the choice between a $1.2 billion tax proposal, a new program that may or may not produce, even if we take the best estimates, the results that its proponents suggest—that is, $1.2 billion taken off the table—based on the evidence that has been submitted by the Joint Committee on Taxation, the benefit for people whose children go to public schools is very limited. They say $20.50 over 5 years. Those are not my numbers. Those aren't out of the Democratic National Committee or some Democratic think tank. It is the Joint Committee on Taxation, a nonpartisan committee that analyzes what the tax implications are. We use it all the time.

They are saying to us: If you are the parents of public school education children, which is where 50 million kids went to school this morning—of the 55 million kids who went to school, 50 million of them went to public schools, elementary and secondary, 5 million went to private and parochial schools—for the parents of those 50 million kids, the average benefits of all of this over 5 years is $20.50.

I pose the question, Which is the better choice? If you think you could do everything, then you ought to vote, I guess, against my amendment and hope at some later date you get a chance to vote for it. We will do everything.

I don't think we can do everything. So I am merely posing an alternative that I think would be more meaningful to our mayors, county executives, Governors. In fact, this morning, at the combination meeting of the Governors and the Senators, it was Governor Angus King, independent Governor of Maine, who stood up and said: If you want to do something about education—and, by the way, I never met him before; I still haven't met him. I don't know the man. But he stood up and said: If you guys in the Senate really want to do something about education, why don't you do something about special education and our costs? He got a standing ovation, applause from everybody in the room.

The Governor of Pennsylvania, Tom Ridge, and Governor Tom Carper of Delaware said: This is the priority. Whom can I call? Whom can I get ahold of for you to vote for your amendment, to support your amendment this afternoon? Not because they disagree with what their friend and colleague, as he is mine, is proposing here, but because they think this is a better choice, with limited resources, to go to Oklahoma, Connecticut, Florida, to Georgia, to get back to our communities. It doesn't solve the special education problem. We would have to appropriate $15 billion to get to the 40 percent obligation.

I don't want to create the illusion that I am solving that problem. We are just getting closer to it. We are at 12.7. We were at 7 percent. Then we started to inch up a little bit in terms of getting better. Now we are close to 13 percent, a far cry from 40, the $1.2 billion, and I don't have the number what it gets you to. I think probably another couple points, 2 or 3 percentage points, maybe 4 in terms of what that $1.2 billion spread out over 50 States would do. But at least it is tax relief.

My friend says we do it for higher education. There is no property tax that supports higher education. There are State revenues that do it, but on a local basis that is not where it comes from. In the case of public elementary and secondary education, for the most part it is free. There are costs associated with educating a child. I know that. But I know very few public higher educational institutions that are free. Most of them are pretty expensive today. Some have a limited amount of cost, but for most of them, it is pretty expensive.

Of course, you don't have to go to college. We would like everybody to. The law requires you go to elementary school and requires that you go to high school or at least stay in school until you are 16. For most States, I think that is true. But there is no requirement you go beyond that. So there is a distinction between what our obligations are to elementary and secondary education and what we try to achieve in higher education—obviously, a huge distinction in cost.

Although I have disagreements with the underlying proposal offered by my friend from Georgia, I believe we are trying to be all places at the same time and, as a result of that, not doing much in any.

My fundamental point is not so much to say this is not a good idea he has proposed but to say this is a better one. I don't know of a mayor in my State who hasn't asked me to do something about this issue for the last 10 years. When I go back, as I know all of our colleagues do, when I go back to them and say: What do you want me to work on this year?—I think all of us do that probably in our December-February periods; we go back and talk to the local officials who are close to our constituents in our States. I don't know of a year when this special education issue hasn't been in the top five of the items about which they say: Look, this is a tremendous cost to us. You mandated it, basically, at the Federal level in 1975. We don't disagree with you. We think we ought to provide educational opportunity for children with special needs in this country so they will maximize their potential. But you promised us, Mr. Senator, you were going to come up with 40 percent of the cost of this. You told us we have to do it. We agree with you. Now you are only up to 12 or 13 percent.

Frankly, in a lot of States, it is around 5 percent, 9 percent. I don't have every State here because not every State gives us all the numbers. Looking down this list, as I mentioned earlier, California has a $3 billion higher education cost. The Federal Government comes up with 5 percent of that.

So 12.7 is a national number, but individual States are very different. In Florida, it is 6 percent; that is the Federal participation. We are way short of the 40 percent.

I don't see Oklahoma on this, for the benefit of the Presiding Officer, and I don't see Georgia. This is not a complete list of all 50 States.

As I mentioned earlier, some States are 13 percent; South Dakota is. Indiana is 17 percent; that is how much the Federal Government contributes to that price tag for special education. But an awful lot of States are at 5, 8, 7, and 4 percent—Nevada. Montana is at 14 percent; Missouri, 10 percent. It varies from State to State as to how much the Federal dollars are getting back.

My point is this: If you can't do everything, you have to make choices. What is the better choice: A new program that may or may not have the benefits its authors suggest, or to do something that every jurisdiction in this country, every taxpayer at the local level would appreciate and would dramatically, in some cases, reduce the cost of their financial obligations?

I suggest the better choice is the amendment that is pending. It would take that $1.2 billion and send it back to Oklahoma, Connecticut, Georgia, Florida, California and say: This is a downpayment on that long-term commitment. We haven't reached it yet. We are doing better, but we are not there yet.

I mentioned earlier, California has a $3.72 billion price tag on special ed. Florida has a $1.47 billion price tag on special ed. My State of Connecticut is $627 million. I have one small community, Torrington, CT, that has over $1 million in special education costs because we required it. In 1975, we said: We will educate all kids, including those with disabilities in this country. We want everybody to have at least the potential or the opportunity to maximize their potential. I don't know of a single person who wants us to retreat on that commitment.

The point of my amendment is, don't retreat on it, but also don't renege. Don't renege on the contract. The contract was to our States and our communities and our counties. Your Federal Government will be a far better partner, and we will help you reduce that financial burden we imposed upon you in 1975 and have never gotten close to paying. The $1.2 billion gets us closer.

What my friend from Georgia has offered is maybe a great idea—maybe—although I have some disagreements, but I know what this does. I know $1.2 billion going back to the 50 States of this country will categorically and unequivocally provide relief for people.

Mrs. BOXER. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mrs. BOXER. First, I commend my friend because life in the Senate is about choices. I think what the Senator from Connecticut has done for this debate, in my opinion, is to have given us a very clear choice of how we want to proceed. We have known for, let's say, the last 20 years that there is not an endless cookie jar; we are going to have to make the tough choice.

What the Senator from Connecticut is suggesting is this: We have a program that is vital to perhaps the children in this country who need more help than almost any other group, children who have special ed needs. We have not met our commitment; we haven't fulfilled our promise. So I would appreciate it if the Senator from Connecticut can tell me if I am right in sort of summing up where he is coming from. He has taken the floor and has not said everything in the pending bill is bad, not at all. I know personally he agrees strongly with a couple of things.

Mr. DODD. What I have offered is an amendment to the Coverdell proposal, not a substitute. So I only address this particular issue. There are a number of other provisions in the bill that I think are admirable.

Mrs. BOXER. Those provisions would still stand. What the Senator is basically saying is that the billion-plus would go to people who essentially, for the most part, send their kids to private schools, K through 12, and rather than give them this tax writeoff, if you will, we should use the money to fulfill our commitment for special education. That is the bottom line.

I want to ask my friend two questions. I don't know if he spoke about the meeting with the Governors today, but if he has not, I think it would be an important point, since he spoke to many of us about this today—what the message of the Governors is vis-a-vis this special ed and what it would mean. He has already said what it means to my State to get more funding for special ed. We are in the hole now by several billion dollars. So this amendment is very important.

The second question, perhaps, is a more philosophical one but one to which I would be interested in hearing an answer. I think if we are honest with ourselves, we know the people who could afford to set aside $2,000 a year in our society each and every year are the ones who are living or earning more than, shall we say, most middle-class people because we know the figures. If we are honest with ourselves, to set aside $2,000—and that is after-tax money—in an account where, by the way, you don't get any real tax benefit, except the buildup is not taxed, so it comes out to roughly a few dollars a year—who are we really helping? Are we helping 95 percent of public school kids? Are we doing one thing or are we giving a nice, sweet tax benefit to people who already can set aside the money? I think there are two questions. One, if my friend can talk about the Governors and how they feel on this issue of reimbursing the States for special ed; and, two, philosophically, what is going to help more families?

Mr. DODD. Mr. President, I say to my friend from California that I did mention the Governors. The Governor of Maine stood up and made the point that this was the top priority, and I think it was one of the few moments when there was widespread applause in the room by colleagues, both Republicans and Democrats; there were a lot of nodding heads.

Obviously, Governors have a long shopping list for us. If they could do one thing in the area of education, this was the issue. TOM DASCHLE raised it: ''Ironically, the next vote we are likely to have is on the issue you think is your top priority.''

I talked with Governor Ridge of Pennsylvania afterwards, a Republican, and Democratic Governor Tom Carper of Delaware. Both said they are going to try to call members of the respective caucuses to urge them to vote for this amendment. They felt this would make a difference immediately for them. So I thank them. I thank the National Governors' Association. I don't have it with me, but I will get it. I have a year-old letter signed by Michael Leavitt, Governor Mike Huckabee of Arkansas, Tom Carper and Jim Hunt. It is a March 9, 1999, letter to PETE DOMENICI. I have blown it up. In part, it says:

> Therefore, Governors urge Congress to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA so the goals of the act can be achieved.

In the first paragraph, it says:

> As you prepare the budget resolution for the coming fiscal year, the nation's Governors urge Congress to live up to agreements already made to be meet current funding commitments to States before funding new initiatives or tax cuts in the Federal budget.

So 50 State Governors say if you want to pick a priority, this is it. So, again, this isn't, as my friend from Georgia said—again, some may think you can do everything and probably will vote that way. If you can't—and hopefully you can do everything—then you have to make choices about where you should do some things.

I am glad the Senator from California raised the issue about the buildup. I think that is important. The buildup is important. Under higher education—and I drew a distinction; I think there are significant distinctions between the choice of going on to higher education and the requirement that you go to grade school and high school, at least until the age of 16—the fact that public education, where 50 million kids go to school every day is free, whereas higher education is not free, whether it is public or private, and that you don't have a property tax supporting higher education as you do elementary and public education.

When people are planning for college—not that they do it as early as they would like—they start putting that money away early, in some cases when the child is born, with full knowledge that a 4-year college education could end up costing $100,000 at many

institutions in this country. So you end up with a buildup of $500 to $1,000 a year, and that is where it has value. You are not talking about a buildup in that regard, about kids who are young and starting out, I presume. What you are talking about is investing in, as I understand it, some tax-free withdrawals from this account for things like tuition fees, academic tutoring, books, room, board, supplies, equipment, and so forth. So it is going to public and private education.

If you make $150,000 a year on joint returns, this is a pretty good benefit. If you are making $30,000 or $40,000, or less, it is not much at all. The Joint Committee on Taxation said this only had a marginal benefit to people. Also, the accounting practices; can you imagine the nightmare? You are going to be taxed if you buy some things and not taxed if you buy others.

What about if it is sporting equipment to go to school; is that part of the education? What about the band outfit you may wear; is that education or not? I don't know. Maybe others feel certain they know what it is. I can see a nightmare of accounting procedures to try to determine what is truly an educational benefit and what is not quite an educational benefit.

I will finish, and then I will yield to my colleague to respond. Of course, when you start getting into this whole point, as I said, benefits to public school children and their parents, at least based on the assessments we have, are marginal at best; $5 of tax relief a year, each year, for 5 years—or 4½ or 5 years—as opposed to doing something that lowers your property tax by sending the dollars back to reduce the cost of special education and local community—I promise you that is more than $5 a year; it is significantly more for people.

Again, it is the choice I think we make. We all say we love to listen to our Governors. The Governors are in town. They met with the Senators about 3 hours ago. The Governors have said, virtually unanimously: If you want to do something to help us right away, here is the issue. They specifically said: Do this before you start off on new initiatives that may not benefit even the people you think you are going to benefit.

I urge my colleagues to support this amendment. As I said earlier, it doesn't substitute the entire bill. It merely offers a substitute to the particular provisions on payment. The other parts of the bill remain. I think this is a much wiser choice to make. I say that with all due respect to my colleague from Georgia, with whom I work jointly on so many issues. I know he is anxious to respond. I think the Senator from Florida wants to be heard as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, as I understand it, the sequence of amendments is such that there will be a Republican amendment after the amendment by Senator DODD, and then there will be a Democratic amendment by Senator ROBB, and then another Republican amendment.

I ask unanimous consent that I might offer the transition teaching amendment immediately after the Republican amendment, which will follow Senator ROBB's amendment.

Mr. DODD. Mr. President, if my colleague will withhold on that request, I know leadership has worked out a scheduling sequence. I don't want to object, but I would have to object right now without them getting involved. Why not make the comments and then come back?

Mr. GRAHAM. Mr. President, I could offer this amendment with the understanding that if there is someone who needs to go ahead of me I would yield at that time. I was on the floor this morning and now this afternoon for purposes of trying to get in the queue.

Mr. DODD. Mr. President, if the Senator will proceed and let me inquire, we will come back. I promise the Senator that I will take care of that right now.

Mr. GRAHAM. I don't have any remarks to make on this amendment.

The PRESIDING OFFICER. The Chair inquires, who is yielding time?

Mr. DODD. I am happy to yield time off my time to my friend from Florida. I will inquire, if the Senator wants to go ahead.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, on our time, I see the Senator from California is still present. I don't know if the issue of who benefits and who doesn't was thoroughly covered. I don't know that this will make a difference in the Senator's vote, but I think it is important that her question be answered.

First of all, the means test—and it is means tested as to who can participate in this, and I probably wouldn't have done it that way, but that is the politics of the day—is identical to the college account we have set, which means 70 percent of the benefits flow to people making $75,000 or less. It is the middle income and below who are the primary beneficiaries of the account.

Mrs. BOXER. Mr. President, may I say to my friend I understand that completely. But that was for the analysis on the $500.

Mr. COVERDELL. That is the analysis on this account.

Mrs. BOXER. My understanding on the $2,000 is there are fewer people in that category who could participate; and therefore, it would not benefit the middle class.

Mr. COVERDELL. The data I quoted is the data on the analysis of this account.

Mrs. BOXER. Then we have some disagreement. But we will check our chart.

I wanted to say on the issue of why this is different than the college account—I think Senator DODD very eloquently made the point—our side of the aisle has been pushing for a long time to help parents send their children to college, whether it is through Pell grants, loans, or education saving accounts for college. I remember way back during the days I was in the House I was supporting these education IRAs, but the point is that it is quite different now.

To go to a public college in California costs $5,000, $6,000, or $7,000 a year. Fortunately, we have free public schools. What we are looking at here is quite a different situation.

We know on the face of it that 95 percent of our children go to public schools. I know the Senator says this is going to help the public schools, but our research indicates this is disproportionate. We are talking about a couple of dollars in benefits. It comes down to a choice.

If I had a menu of things, I am sure I would rank money higher on the menu of things, but it doesn't compare my money to the substitute, or to the amendment which keeps a lot of good in the Senator's bill. But it just says ''revenue lost'' instead of being dissipated in the $7 per family over a period of time—a year—and maybe adds up to $7. It would be much better to go to our States and help with special education, whereas Senator DODD says it means it is going to result in lower property taxes because our local school districts will benefit.

Mr. COVERDELL. Will the Senator yield on that point?

Mrs. BOXER. It is the time of the Senator from Georgia. Sure.

Mr. COVERDELL. No one can certify that this is going to affect property taxes whatsoever. In fact, the doubling of IDEA, if you can find a jurisdiction that took this and lowered the property tax—I think you should listen—isn't what happened. I don't mean that we ought not to be fulfilling this obligation, but I have seen no example of the property tax being affected one way or the other as we fulfill this obligation.

I think what happens is, as we fulfill the Federal obligation, which is rather remarkable—here we are 25 years later and still haven't done it—it theoretically frees up local school districts to do other things that are important in education. I find it interesting.

The other point I was going to make to the Senator from California and to the Senator from Connecticut is they essentially inferred—and I can understand why—that the education savings account is different in a sense from the higher education and K through 12 because I think in the debate we have focused on K through 12. But there are extensive families benefitting from that. They ought to have the opportunity—the ''choice''—to use those funds if they so desire. But these accounts are a college account, too.

We have taken the President's proposal and the congressional proposal

and made it four times more powerful. It can be used for college. It can be used for the disabled and for dependent students following college.

My assumption is—we have to make some estimates—that many of these families will not use this in K through 12. Some will. But a large number of them will use the buildup where essentially it is broadening the scope of what people can do as they try to meet the very costs about which the Senator from California talks.

Mrs. BOXER. May I ask my friend a question on this point because this is a good debate.

What the Senator is essentially saying is somebody can open up one of these Coverdell plans.

Mr. COVERDELL. They do not call them Coverdell plans. It sounds like a wonderful idea.

Mrs. BOXER. Doesn't it sound great? I will give the Senator that. It is his idea. Come up with a Coverdell account, and they start it, say, when the child is first born. Then the child is 5. If this is for real, they start using it, but if it isn't for real, they will hold it. Who gets the tax benefit? Because they can afford to, they have another account for $2,000 for college. Now we are saying this is a family now setting aside $4,000 every year. I ask my friend.

Mr. COVERDELL. No.

Mrs. BOXER. Yes, because the Senator said there could be an addition to——

Mr. COVERDELL. No.

Mrs. BOXER. The college account.

Mr. COVERDELL. No. What I am saying is that we broaden it from $500 to $2,000. So an account can be opened for up to $2,000, whereas now it is limited to $500, A; and, B, if they chose, they could use a withdrawal somewhere through kindergarten through high school if that was important to them for whatever circumstance. They don't have to hold it for college.

Mrs. BOXER. I don't understand. I am saying to my friend that it is a second bureaucracy, if you will—a new account that can be used for college in addition to the account we are looking at for college that we already have. I think it is getting confusing. I think if we want to let people set aside funds and get a tax break for college, this is crucial.

I think at this point to expand this idea to get to K through 12, as Senator DODD pointed out, if this is on the level and people start spending it when the child is 5, they essentially have 5 years to save, whereas what we are suggesting is that people can do much better. They can take that money and use it, say, long term for 18 years, have more of a buildup and have more of a fund.

What I am fearful of, if we start with all of these, is that only the wealthiest people will be able to do it. They will do it for both. Again, we start rewarding the people in our society—God bless them, and I have nothing but respect for people who manage to make it. We are rewarding them and we are not doing a thing to help the average person.

That gets me back to where Senator DODD started with his amendment. If this is not going to do much for most of our kids—it is confusing, I agree. I started wondering—if they can get a band outfit, if that is workable, yes. I argue that is part of the school. Or a uniform? But, wait a minute, that is giving a benefit to one child. What about the kid who doesn't make the band? Then the IRS is going to have to confab and figure whether this is a discriminatory benefit. I think we are opening up a can of worms a little bit. I think Senator DODD offers us a cleaner way to spend this $1.2 billion, which is to ease the burden on the local districts.

I daresay it is only common sense. Our school boards have a certain amount of money. If they cannot meet their budgets, they are going to have to raise your taxes. Maybe this is going to help them. I assume it is going to help them. In California, we have a lid on our property tax, so this is a huge benefit for us because there is just so much we can raise in property taxes.

Since we have a finite amount of money, I think the Senator from Connecticut is offering us a chance to step back and say let's not create a new program, which now I understand you could roll into a college account, which really gets me confused, and keep it simple and use this money for special ed.

I thank my friend for being so generous in yielding to me. I thank my friend from Connecticut for, I think in many ways, bringing us back to what we have to do, and that is to make these hard choices. He is saying: Listen to what the Governors are saying. Let's take care of this problem first.

Mr. COVERDELL. I would like to respond to the Senator from California by calling into play an individual for whom I know she has enormous respect, and that is the Vice President of the United States. He says:

> Our current education IRA's simply do not meet the needs of the information age. They are limited to $500 a year.

He is right.

> And it must be used by an age of 30. In a fast moving, fast changing economy, the right skills will often cost more than $500 a year and learning must last a lifetime.

Then Vice President GORE goes on to say:

> Here is my idea. We need to create a new 401(j) account like the 401(k) plans that help you save for retirement. But this account will allow employers and employees to contribute up to $2,500 a year. . .

So he is $500 over what I am saying.

> . . . in order to pay for college or job training expenses.

Mr. DODD. Is this for elementary and secondary education?

Mr. COVERDELL. He says for college. We are for college. This account applies for college.

Mrs. BOXER. Then scratch the other part of it.

Mr. COVERDELL. Why should we do that? This is a classic example: Let's tell them what is important to them. You think it is important it only be for college. I think it ought to be up to the family to decide where and when they have a special need. Maybe they have a student who is in junior high school who suffers a very serious injury and they need assistance or they have a child who they discover has dyslexia. You do not deal with dyslexia when you are in college. You deal with it in the younger years. There are many problems associated with that.

So let's let them decide. I think the majority of them will utilize these funds at college. But there will be occasions where families have requirements that occur before that. I can think of no reason why we should arbitrarily decide: I am sorry, that is a decision we have made for you.

Mr. DODD. If I can respond to my friend?

Mr. COVERDELL. I have no idea how they are dealing with the division of time. We are doing so well.

Mr. DODD. This much I promise: If you run out of time, I will give you time. We know we have to finish at 4. I don't know if we will have a tremendous number of Senators coming over here. We will accommodate everybody wishing to be heard.

What I have offered as a substitute, with all respect, has more value. Again, I think Governors, mayors, and local taxpayers will tell you right now the cost of special education is a dominant, significant issue we ought to try to take care of. I have not suggested, except peripherally, that there are underlying problems with the Coverdell approach. But I made the case, if you cannot do everything, of the two choices, which is a better one? I think the special ed is a better one. I say that. I realize there is a difference of opinion.

But let me respond, if I can, to the issue, just freestanding, of the Coverdell proposal and why I have difficulty with that as it stands. There are 55 million children who got up this morning, from Maine to California, who went off to an elementary or secondary school in this country—55 million. Fifty million of them walked into a public school—50 million; 5 million walked into a private school or a parochial school. The question is, this bill as it stands is designed to predominantly provide a tax break for those who want to send their kids to private and parochial schools, and it is being cloaked that somehow this is great for education. You do not build a new classroom, you don't pay a teacher more, you don't reduce the size of the class, you don't wire the school with it, none of that stuff. This is all on an individual basis, where the bulk of it, 90 percent of it, goes to those who are in the income category who can afford to send their kids to private schools. We have 50 million kids and their parents who are looking to see whether or not

we are going to take some of their tax money and improve the quality of education.

They do not have the choice. They do not have the choice to say I think I will send my kid to some private boarding school in Connecticut or Georgia or some other place. They do not have that kind of money to do that. Their kids have to go to public school. That is the choice they have. They want to know whether or not their Senators are going to do anything about improving the quality of the educational institution to which they have to send their kids.

That is a big difference. You have limited money. You are going to take $1.2 billion of this, the bulk of which is going to go to those in the upper income category, and for those parents who do not have that choice, they get zilch out of this thing. My point is that is a bad idea, in my view, with limited resources. But aside from that, I think getting the money back to our communities, providing some real relief on special education is what is necessary.

I have great respect—I am a product of parochial and private education. My parents could afford to do it. They sent me to those schools. That was a choice they made. I respect them for it. But they never thought they ought to get a tax break for doing so. They understood that. They also understood there is a fundamental commitment and relationship between this institution and setting the agenda to accomplish the national purpose in education, a fundamental responsibility to public education.

The public has no other choices. I know people are upset with the quality of some of our public education institutions. I wish the newspapers and media covered good schools as well because there are an awful lot of good schools out there doing a terrific job providing a wonderful educational opportunity in the inner-city and rural America. But our obligation is to see to it that fundamentally we work on the quality of those institutions that are not doing quite as well.

My view is this distracts, it is a distraction from the real business of supporting quality public schooling in this country. Aside from tax policy, which I think is questionable as well, and different choices we could make with it, there is an underlying problem.

I ask unanimous consent the editorial in the Washington Post in its morning edition, its lead editorial today, be printed in the RECORD.

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

[From the Washington Post, February 29, 2000]

SCHOOL CHOICE FOR THE RICH

The Senate is to take up today a proposal to use the tax code to provide public funds to private schools through the back door. Most Democrats, led by the president, are rightly resisting; the proposal is bad tax and educational policy alike.

The bill whose principal sponsors are Sens. Paul Coverdell (R-Ga.) and Robert Torricelli (D-N.J.), would allow households with annual incomes of as much as $150,000 to set aside $2,000 a year per child in educational savings accounts, the earnings on which would be tax-free. Parents can already save this way for college; this would let them do so to help pay elementary and high school expenses as well.

Unlike some other pending tax cut proposals, the cost would be relatively modest, in part because not that many families could afford to take advantage of the measure. Almost all the benefit would accrue to those with well above average incomes and children in private—including sectarian—schools. The revenue forgone would represent an indirect subsidy to such schools.

The president has vetoed similar legislation in the past, and the Office of Management and Budget has indicated he is prepared to do so again. We hope he's spared the need. Some Senate Democrats think the veto threat lets them off the hook. Rather than be the heavies who block an education bill and tax cut, if given the chance to debate some education proposals of their own they'll let the measure pass, secure in the knowledge the president will block it for them down the road. But that's too stagy a way to legislate. If Congress wants to spend money on education, it should be on needier children; if it wants to promote school choice, the debate should center on helping parents who do not, by virtue of their income, have any such choice now. Lawmakers should kill this while they've got the chance.

Mr. DODD. It is entitled, ''School Choice for the Rich.''

The Senate is to take up today a proposal to use the tax code to provide public funds to private schools through the back door.

Fifty million kids and their parents are asking the question: What are you doing about my kids' school? I understand 5 million kids whose parents would like us to do something about tax relief for them if they go to private schools, but I think we have a higher obligation to the parents of those 50 million who have no choice. Those who made the choice of going to private school made that choice. I respect it, but the parents who send their kids to public schools are not, unfortunately, in the same category.

Mrs. BOXER. If the Senator will yield, I want to say to my friend, his education was very good. I went to public schools from kindergarten all the way through college. Even in college it only cost, in those days, $12 a semester in the State of New York university system. What an amazing thing.

We had several people wind up going to Congress from that public education system. So in my heart I understand when my friend from Connecticut says we have an obligation to the 50 million children who walk into those public schools every day—5 million go to the parochial school, 55 million in all—but we have an obligation in the public school arena.

It gets down to yet another choice. The Senator from Connecticut has given us a choice between a tax break that is predominantly going to go to the wealthiest, that is going to be very minimal, and special education. That is the choice he has laid out.

My friend also will win my vote, frankly, if he took that $1.2 billion and put it into school construction or put it into more afterschool slots or early education, early childhood development, preschool, and child care in which my friend has been so involved. We are looking to bring home a very important choice.

The Governors said: Here is the choice, Senators; before you take care of any other new programs and new bureaucracies, take care of special ed. My friend from Connecticut is listening to them and doing that, and he is further saying that before we do any of these newfangled accounts, which will be interpreted and reinterpreted by IRS agents up and down the line and may be very confusing, let's take care of our public schools.

What I am saying is, not only will I support the amendment of the Senator from Connecticut, but I will also support amendments to come that will take this money and put it into lower class sizes, to do some new construction, to train our teachers better, to get technology in the schools, to make sure we have room for every child who wants afterschool care which we know is the best crimefighting program around.

I thank my friend for coming today. His voice on this issue is very important, but I think on this one, with his interest in education and his views of concern about it and his success in it, I hope the Senate will listen to the Senator from Connecticut and do first things first: Take care of our public school kids—that is 95 percent of our kids K through 12—before we set up some newfangled ideas on which there is even debate over the facts as to who it helps.

The Senator has a paper that says to me it is only going to help the very wealthy. Senator COVERDELL says it helps if one makes $75,000. Common sense tells me if we start setting aside $2,000 a year, it ''ain't'' going to be my working-class people who are going to do that, I can tell you right now. They tell me they can barely make ends meet. I know what this is about.

I thank my friend for bringing more clarity to the debate. I will be supporting him.

Mr. DODD. I yield.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I wish to clarify a point, if I can have the attention of the Senator from Connecticut, because I know how these things happen. We have been in touch with Governor Ridge. He does support education savings accounts and would not support an amendment that made that point moot. I know the Senator was at a meeting—he certainly supports the funding of IDEA. I did want to make it clear that he does support the education savings account, so we can clarify that one point.

Mr. DODD. I attended the Governors' meeting earlier today, and Governor

Ridge said he would be glad to help out and try to convince people to vote for the amendment. I say to the Senator, with all due respect, I am also quite confident Vice President GORE does not support the Coverdell legislation, if there is any doubt about that at all.

Mr. COVERDELL. I thank the Senator from Connecticut. I yield 15 minutes to my defiant, dedicated, committed cosponsor from the other side of the aisle—I admire his courage on this issue—Senator TORRICELLI of New Jersey.

Mr. TORRICELLI. Mr. President, I thank Senator COVERDELL for not only yielding me this time but more than that, for, through these last few years, framing this debate and tirelessly bringing this issue forward. This is not the first time, it is not the second time, it may not be the third time Senator COVERDELL and I have come to the Senate floor for A+ savings accounts and, most assuredly, it will not be the last. This is going to happen.

More than simply telling the Senate of the inevitability of these savings accounts, I want us all to recognize what a positive contribution we are making to American education.

I rise in opposition to Senator DODD's amendment. Indeed, on another day, another opportunity, I not only would vote for it, I would fight for it, as I would with Senator ROBB's amendment dealing with the building of new schools, and Senator MURRAY's amendment adding new teachers and reducing class size.

The problems of American education are not such that they require a single idea or one change. This is not a system with which we need to tinker. We have compound problems. The one Senator DODD raises is among the most important. We gave an obligation to local schools without the resources to pay for special education. Senator ROBB's amendment and Senator MURRAY's amendment are important in building schools that are crumbling around us in some communities and adding new teachers. They are good ideas, they are important ideas, but so is this.

For as long as I can remember, the formula for funding American schools has been quite simple: We raise your taxes, and we spend your dollars. That will continue to dominate American education. It is the right formula. We are adding something new, though not a novel idea. Indeed, ironically the source of this idea is President Clinton. In establishing higher education savings accounts of $500, he laid the foundation for what we debate today because what was a good idea for higher education at $500 is a great idea for secondary schools at $2,000. Same idea, same formula with the same end.

This is using private money. It is using a family's own resources. By our estimation, after 5 years, $12 billion in private money will be used to educate children K through 12. That cannot be a bad thing. Yet the critics argue it is a diversion of money from the public schools. Not one dime of money that is now going to a public school goes anywhere else but to that same school on that same basis. This is new money, private money, a net increase of $12 billion.

People argue that maybe it is all new money, but it goes to a privileged few. The Congressional Budget Office argues that 70 percent of this money will be spent by families who earn less than $70,000. Does this solve the educational problems of a family in poverty who may have no money? Maybe not. Probably not. I challenge any Member of this Senate to come to this floor and tell me one educational idea that solves the educational problems of every family in every regard forever with one bill. This one does not either, but it does help many working families, working poor, middle-class families.

The family who earns $20,000, $30,000, $50,000, even $70,000 a year but wants to give their child some extra advantage in education, they want to establish a private savings account. Why should the Federal Government be charging taxes on the interest on that account? Every Member of this Senate knows that education is the great test of whether or not we preserve our quality of life, our national security, our way of life.

The Federal Government should be doing everything it can to encourage every parent in America to save every dollar they can muster to educate their child. Taxing that money is the last thing we should be doing. That is the essence of this bill: Eliminate Federal taxes on money saved for education. That cannot be a bad idea. Yet it is argued that maybe it is private money and there is no diversion. Maybe Senators are right about that. Maybe it does go to middle-class and working-class families. Maybe Senators are right about that. It is argued that it is not for a privileged few but it all does go to private schools and we have a public and private school problem. Well, wrong again.

CBO estimates that 70 percent of this money actually will go to public school students. Public school students are over 90 percent of the students in America. If we are going to help everybody, by definition, most of that money will go to public school students. That is what the research has found because this money is not just available for private school tuition. This money is available to hire public school teachers after public school is out in the afternoon to help students in math and science—something desperately needed by many of our families—for afterschool transportation, for afterschool activities of band or athletics or clubs, to buy a home computer, to buy books or, if you do not use money for any of these things, to roll it into your college account after the 12th grade when the student is going into college.

Is some of this money going for private school tuition? Yes, a minority of it, 30 percent of it. Some does go to private school tuition. I am not here to apologize for that. If, in one piece of legislation, we can add $12 billion to the national expenditure for schools, help public school students with 70 percent of this money—for computers and books and tutors—I do not rise on this floor to apologize that some of this will go to private schools, yeshivas, or parochial schools for tuition.

In many of our cities, the Catholic school is the only alternative available to many families who want something better for their child. Tuition can be $800, $700, $1,200—out of reach for many families. Who is going to these schools? What is this ''idle rich'' we hear about who will benefit from this bill? Ninety percent of the students in Camden and Newark and Jersey City going to parochial schools are Protestants; 80 percent of them are African American. This is not a religious opportunity. It is a competitive school, a chance for a parent to give something else to their child.

We do not ask the Federal Government to pay for it—not a dime, no public money. Personally, I do not believe in it. I think it is unconstitutional. I do not think public money can or should go directly to pay for tuitions in religious institutions. That is my belief. That is why I am for this bill because this bill does not do that—no public money. A family takes their own money, earned off the sweat of their own brow, puts it in a private account, and uses that money, which has not been taxed because of this legislation, and pays tuition. That cannot be a bad thing.

Opposition to this legislation has many aspects. In my judgment, clearly, one of them is that we do not recognize the true depths of the problem of American education. Getting more teachers, building more schools, higher standards for public schools are all part of that, but that is not enough. This is a fight that must be fought on every front simultaneously.

Second, I think many people simply do not recognize the state we would be in if we did not have private schools. We are losing a Catholic school in America every week with another school closing its doors. If we lose the parochial education system in America, it will cost $16 billion immediately to replace the system. The system must survive within constitutional bounds. That is what Senator COVERDELL and I are attempting to do with this legislation.

Third, I think there is a partisan issue. With all respect to my friend, Senator COVERDELL and his colleagues, in my personal judgment, the leadership in America on education for the last generation has been borne by the Democratic Party. We created the programs for grants, for tuition assistance, for aid to secondary schools that built libraries, built schools, and opened opportunities. It is one of the reasons why I am a Democrat. Now we

have a little competition; frankly, not a lot.

The ideas are still overwhelmingly from the Democratic Party. But this idea cannot be bad simply because some Republicans are for it. That is the only argument I have heard against it. If there is going to be a competition between the Democratic and Republican Parties for leadership on education, that is good for America. If we are going to compete to convince the American people that each of us has the best formula for improving our schools, that is good for every child in America.

To the Republican Party, I say: Welcome to the fight. We have been waiting for you for a long time. But I am glad you are here.

This concept of A+ savings accounts has no parentage on a partisan basis. It is borne of Bill Clinton's concept for funding higher education. It has been adjusted by Senator COVERDELL, imaginatively, creatively, and effectively, to deal with the problems of grade schools and high schools, to help public and private schools with millions of American families.

I have been for this concept since I came to the Senate. It is a reflection of my own belief that the American standard of living is not sustainable if we do not dramatically improve the quality of instruction and the performance of our students in this generation. It is not difficult to comprehend, if the United States goes another decade being 16th of the leading 18 industrial nations in the quality of math and science instruction, if 40 percent of 4th graders effectively cannot read to national standards, if a third of our students in the 8th grade cannot meet basic science requirements, this Nation will not continue to maintain our standard of living or even our current level of national security.

Education is the great divider in the world, between the insecure and the poor and the wanting and those who exercise leadership and live behind secure borders with rising standards of living. That is our test. I can think of no more important issue for this Senate to debate.

I genuinely hope that not only will this A+ savings account legislation pass the Senate—and I have no doubt it will pass the Senate—I genuinely hope we will pass it on a bipartisan basis. But in a challenge to Republican leadership, as well, the argument that Senator DODD makes today for funding special education, and the argument that Senator MURRAY and Senator ROBB will make on class size and school construction, are arguments that not only must be heard, it is legislation that must be adopted.

Pass this legislation today and then let us return and complete the debate and meet our obligation to America's schoolchildren.

Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. How much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Connecticut has 18 minutes remaining. The Senator from Georgia has 13 minutes remaining.

Mr. DODD. There are only two of us here, so I suspect we can manage this in some way if one or the other of us ends up a little short of time.

First of all, my friend from New Jersey has raised, as he always does, some compelling arguments. He is a very persuasive debater. I agree with him on a couple points. I think, first of all, maybe I should have said this at the outset of the debate, that I adhere to the admonition that Thomas Jefferson gave almost 200 years ago: Any nation that expects to be ignorant and free expects what never was and never possibly can be.

As important as education was to the development of the 19th century, it certainly is just as important now a few days into the 21st century. No issue will be more important for the development and continued success of our own country than to have a very successful educational system in our Nation. So I agree Senator TORRICELLI on that point.

My point is, I do not think we can do everything. That is my point. I would like to do a lot of things, but my concern is we have $1.2 billion in this program. If I have $1.2 billion for special ed, it does not even remotely get close to the 40 percent we promised our States we would give them for special education. We need $15.8 billion to get to 40 percent level.

I have to think, if we are going to do something about the quality of public education—my friend from New Jersey has raised class size, salaries for teachers, luring teachers into rural or urban areas where they are needed, afterschool programs that are critical, early childhood education, Head Start—there are a variety of things that all of us would say are absolutely essential if you are going to improve the quality of our public educational system. Why does this idea, why does the idea of providing some tax incentives for people have any real appeal? It is because people are concerned about the quality of public education in too many places.

If they felt there were good public schools, then they wouldn't be asking for the kind of suggestion that is being proposed in this bill. Their desire for that is rooted in the notion, somehow, that our public education is not doing very well in many places.

So what is our choice here? We take limited resources. We take a dollar, and we decide we will divide it up. And so instead of focusing on what needs to be done with the 7 cents we provide in education out of every dollar from the Federal level, instead of saying let's see what we can do to improve the structures themselves, the buildings, how we can wire schools so they are able to connect with the technologies of the 21st century, my concern is that we are taking $1.2 billion in effect off the table for a proposal that has marginal benefit.

I say again to my friends, the authors of this legislation, people making $25,000, $30,000, $35,000, $40,000 a year, if they have two or three kids, they can't put aside $4,000, $5,000, $6,000, $7,000 in these accounts. It doesn't work out that way. It is hard enough to make ends meet. The idea that they are going to put $2,000 per child in an IRA account is not realistic for them. They could put something in there, but the idea that they are going to get this tax benefit because people will maximize, that doesn't add up in my view.

I do think there is a clear distinction between higher education and elementary and secondary education. Again, schools at the elementary and secondary level that are private or parochial select who they want. You may think you have the choice, but ultimately it is theirs whether you go or not. A public school doesn't have that luxury. If you are a child who lives in a community and you show up at the door, they have to take you in whether they like you or not.

You show up at a private school, and the private school can say: You are not a nice family, nice people. I am sorry. We are not going to select you.

So there is a distinction in a sense. Our public schools must take everybody. The 50 million kids this morning who showed up at their doors have to be educated. We know too many children are not getting the quality of education they deserve. They are going to school in buildings that are falling down. They have textbooks and equipment that is antiquated. They have teachers who are not necessarily the best. Further, the salaries are significantly different from community to community in too many States. Maybe we can go around and set up private schools all over the place and say to the 50 million children presently attending public schools: We have a structure you can move into. You can't do that. Fifty million are not going to fit in the places where 5 million students presently are.

It seems to me we are not left with many choices. We have to improve public education. We have no other choice but to do that. We have no alternative. We must do that. With limited resources, is it not wiser to take these scarce resources and put them into special education accounts that would lower the property taxes; or at least allow our school boards at the local level to decide they will take the money that goes to pay for that special needs child for fixing up that school, for afterschool programs; or lower the taxes and allow parents then to have more money in their pocket to do some of the things my friends from Georgia and New Jersey would like to give them the option of doing. Then they could do whatever they want with it.

That seems to provide a greater benefit to all people, not just the ones who

are selected to go to a private or parochial school, but all students. That is a better choice, if there are indeed limited resources.

I say to my good friend from New Jersey, I know he made an appeal to our Republican friends to support the Robb amendment and the Murray amendment. But just as he asserts that this amendment is going to be rejected and this underlying bill passed, I am fairly confident the Robb and the Murray and other offered amendments are going to be defeated when it comes time to do something on school construction and afterschool programs and the like.

Part of the argument will be, we can't afford to do everything. They are right. You can't do everything. So my choice is—I presume I may be in the minority on this—my choice is to take the $1.2 billion, give it back to the States, give it back to the localities. Give it back to them so they can reduce their costs on special education. One out of every 10 children in this country is a special needs child in our public school system—1 out of every 10. In my State, 14 percent of all students receive special education services.

These problems are growing. The cost is growing. In some of my communities in Connecticut, the cost of providing special education is more than $50,000 per year. Eighty-two percent of that cost is being borne by the local property taxpayer. We promised that community and that family we would pick up 40 percent of that $50,000.

I say to my good friends, the authors of this proposal before us, you cannot tell me with certainty what is going to happen if this legislation is passed. This is a new proposal.

With higher education, you have a choice. Higher education doesn't have a property tax base to support it. Higher education costs, at a minimum $5, $6, $7 thousand per year in my State. However, the public schools at the elementary and secondary level are free in Connecticut, as they are across the country.

So here it seems to me, with limited resources, are the choices we have to make, painful as they are, where all the ideas have some merit. I shared earlier today the letter I received 2 days ago from the National School Boards Association begging for us to offer this amendment. These are not Democrats, Republicans, conservatives, liberals. These are people at every school board across the country who are saying: Please do something about this. Please do something about this.

I am offering my colleagues this afternoon a chance to do that when we vote on this amendment.

I have already noted the letter from the National School Boards Association, dated February 23:

> Rather than create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools.

That is not from a think tank. That is from the National School Boards Association letter of 3 days ago. That is the choice they would like us to make. These are the people who wrestle with education issues, not once in a while on the floor of the Senate, but every single day in every community across this country. They have said, this is our choice.

The question is, are we on their side, or are we on the side of an alternative form of education which, frankly, has some value in some people's minds, but 50 million kids don't have the choice. This is where they have to go to school, and we have to address those problems. We can run, but we can't hide. Either we do it, or it gets worse each year. The costs continue to go up.

If you can't do everything, I think this amendment offers a better idea. The National School Boards thinks it is a better idea. The National Governors' Association, Republicans and Democrats, unanimously think it is a good idea. I hope this afternoon my colleagues will agree with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I believe, indeed, this debate is helpful in narrowing some of these issues. As I think I have attested, I also believe Senator DODD has a good idea, an idea that should be adopted. It simply is not an alternative to this idea.

Let me suggest to my colleagues where Senator DODD and I have common agreement and where we have differences. Senator DODD has made the point that most families could not afford to put the $2,000 in a savings account to pay for their public or private school education. I agree. It is critical to this concept that this $2,000 savings account does not rest solely on the shoulders of the mother or the father. I remember—I am not so young I cannot recall—a time when in an American community, the education of a child was generally an involvement of the larger community. It wasn't just a single mother or the father. These accounts are an opportunity to re-ignite that sense of involvement. We allow the extended family—grandparents, aunts, uncles, churches, labor unions, corporations—to put money into these accounts.

Senator DODD is right that few families will be able to put $2,000 in these accounts per year. But a lot of labor unions can go to their employers and say: We would like a little raise next year and we want money in the savings account. A lot of churches will be able to go to the parishioners and say: Thanks for giving to the church. We would like to help Johnny or Jane with their education savings accounts. A lot of parents can go to grandparents and say: At Christmas, instead of that toy, would you put $100 into the education savings accounts?

This is under the concept that educating a child is everybody's business. Even then, can we get $2,000 a year? Maybe not. But if upon the birth of a child we can get $500 or $700 and compound it, with tax-free interest, year in and year out, by the time that child is going to the eighth or ninth grade and needs a tutor after school because he or she doesn't understand the math assignment, they can afford it. By the time they are in the sixth grade and they can't afford to buy a computer, with this they could afford one. By the time they go to college, if they have spent none of this money and for 18 years they have been saving $200, $500, or $700, at compound interest, it would be significant. Does it pay for a Harvard education? No, but it gets them into the community college or a State school or it pays for part of the education. It helps. It is valuable.

More than just dollars is involved; it creates the concept of the community being involved, having the vehicle of these accounts. It is no coincidence that when Senator COVERDELL and I offered these accounts, the House sponsor was not some conservative Republican from the Deep South, with all due respect to my Southern colleagues from the Republican Party; it was Floyd Flake, a minister, African American, from Queens, NY, who has had the philosophy of the government that: I will take care of my own community; just get out of my way—if I may paraphrase him. He has a charter school; he started it himself. He would like people to be able to have these accounts to pay for some of the extra costs.

That goes to the second point Senator DODD made. We agreed on the first—everybody doesn't have $2,000. We disagree on the second. Senator DODD said public school is free. It was when Senator DODD and I went to school. It isn't anymore. How many parents tonight face their children who come home and say: I would like to be part of the band or the Latin Club or the French Club and it costs $500. Can I do that, mom?

What we built in the fifties and sixties in this extraordinary public education, funding all these tremendous activities, we have eroded. I represent communities in New Jersey where you can't get a bus home after school if you don't pay for it. You can't join the football team. Some of the books are so old, parents have to buy them themselves. These education savings accounts go to the heart of that problem. Public school is not free. Sixty percent of the African American students in our public schools don't have access to a computer. It is the new divide in American education. That includes 70 percent of Hispanic students and millions of other students from all backgrounds.

Why? What is so wrong if we allow a parent to take their own hard-earned money and put it in their own account? All we ask the Federal Government to do—my God, the minimum we can ask anybody to do—is not tax them on the interest. Let them keep the interest so a parent can buy their child something, so they can maximize. I visit public

schools throughout New Jersey where children are struggling with math, science, and areas that were never approached when I was in high school. They struggle. It is hard. If you ask them the one thing they can get more out of public school, they will tell you: I wish there was somebody after school to help me with my work—a tutor.

Instead, our public school teachers, who are underpaid and overworked, leave school at 3:30 or 4 o'clock and take second jobs selling clothing, painting houses—anything to support their own families. How about an education savings account, where at the end of the day the public school teacher can work for some extra dollars doing what they do best—teaching, tutoring, helping public school students learn the math and science with which they struggle.

No, public school is not free. And $2,000 is a lot for most families. We could be wrong. Senator COVERDELL and I could be wrong. We could offer this chance to every labor union, church, and grandparent in America to help with their kids' education by putting money in every birthday, holiday, or Christmas, and maybe nobody will answer. But I don't believe that. That is not the kind of people we are. That is not the kind of communities I represent. I think people will answer. I think Floyd Flake is right. Every Member of the Senate talks about faith-based answers to problems, working hand in hand with the Government. Well, let's see. I bet the grandparents, aunts and uncles, labor unions, churches, and synagogues will come forward and use these accounts as a vehicle. But mostly, I don't want to fail because we didn't ask. This is an invitation to America to get back in your public or private school, get involved and solve the problem.

I believe these are worthwhile. Senator DODD may be right that this institution doesn't have the will or the resources to answer this problem and the special education problem and the school construction problem. If this country doesn't have the will or resources to deal with those problems, we are headed for real trouble. I believe we have the will, and I certainly believe we have the resources—not expenditures, not a dime of it, but investments, every single dollar in every investment for building a school or hiring a teacher. I will fight every day for every one of those things.

Today is the Coverdell-Torricelli legislation for private savings accounts to fund public and private schools. I am proud to be part of it. I yield to Senator COVERDELL.

Mr. COVERDELL. I am most appreciative of the extended effort on the part of the Senator from New Jersey, who brings a very powerful perspective to this debate.

The Senator from Connecticut is correct that we are constantly confronted with choices. I think this is a bad example, though, or choice of that kind of trade. What I mean is, first of all, I believe IDEA will receive added benefits this year. It has received nearly $3 billion in the last 4 years over and above the President's request. So there is a body here that agrees with those Governors and with you that this is a high priority.

The problem with the Senator's amendment is when it moves against the savings accounts, it blows away $12 billion. There are choices. You could say, well, we will spend $1.2 billion here instead of $1.2 billion over there. But by the nature of this legislation, this savings account involves 14 million families—20 million of those 55 million you are talking about—3 million or 4 million of them are in private schools, but 11 million of these children are in public schools that will benefit from these accounts.

The Senator's amendment takes that resource, which comes forward as a voluntary action on the part of families and communities, churches, synagogues, labor unions, and employers and shuts it down. That is not a good trade. Trading $1.2 billion and losing $12 billion is not a good trade. There may be a place where your choice is appropriate, but I don't believe it is where you blow away all that benefit, which this does.

It has been characterized that private schools are the chief beneficiary, and that is not the case. Several on the floor have characterized parochial schools as a ''haven for the wealthy.'' Listen, the children attending parochial schools today are within 10 percent of the same children attending public schools, and they are from families earning $40,000 or $50,000.

These are not a bunch of wealthy folks. The demographics in the New York school system are virtually identical between the public system and the parochial system. So it is not like somebody who happens to be in a parochial school and drives up to school in a long, black limousine and a guy in knickers gets out. These are minorities. They are Hispanic. They are African Americans. They are average folks. I don't know why they are there. The public systems ought to be mighty glad it is there because it works both ways. The Senator is right. That system couldn't accept the public system, and it never will. Conversely, close it down and you make new problems for the public system because those people are paying property taxes even though their children are in the parochial system.

The point I am trying to make is that the public system will be a major benefactor. It is not a minor player. The choice the Senator is asking us to make is not $1.2 billion here or $1.2 billion there. It is $1.2 billion here or no $12 billion. Of that $12 billion, $6 billion is going to go into public schools over the next 10 years and $6 billion is going to go into private, or home, or whatever. Those are major dollars.

When the Senator from California and others talk about the benefit, they don't mention the principal. That is the point. That is how you get up to the $12 billion. The Senator is right. It is not a lot of relief that the Federal Government is giving. What is amazing to me is how little it takes to cause these families to do so much.

Mr. President, I ask unanimous consent that Senator BUNNING be added as a cosponsor to the Collins amendment No. 2854.

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

The Senator from Connecticut.

Mr. DODD. Mr. President, if my colleague from Georgia needs another minute or two to make concluding remarks, I will be happy to yield my time, or if the Senator from New Jersey would care to be heard.

My colleagues conveniently use numbers which, obviously, sound beneficial to their argument. The fact is, according to the Joint Tax Committee, which analyzed this proposal, if you are the family of a child in a public school, the tax benefit to you over 5 years is $20.50. That is the tax benefit to a family whose child is in a public school. Is it worth taking that much off the table in the name of education and providing tax relief which is so nominal it is hardly worth mentioning?

You can make a case. You have heard it over the years. Businesses say: If you will give me this tax break, it will leverage this much more in private capital. The fact is, you still have to have a tax break. It is revenue lost.

We have come a long way in the last 7 or 8 years. We have a surplus for the first time in the last few years. We are actually on track to eliminating the national debt. The idea that we can just take $1.2 billion off the table is a flawed idea. Even if you accept the point of my colleagues and leverage private dollars, it may generate some of this activity they are talking about, but the fact is, it is $1.2 billion. It is rolling the dice, in effect.

I have suggested that there is $1.2 billion that could be used to defray the cost of special education. I know that amount would ease the burden on our school districts. As my colleagues well know, you take $1.2 billion and put it in this program, then you will come and say: Let's do something on special education. What about school construction? What about teacher salaries and smaller class sizes? Those are things we know we need to improve the quality of public education in this country. Those dollars become harder and harder to come by as we take more and more dollars off the table.

Unless you accept the notion we are going to accept everybody's idea on how to improve the quality of public education—which we are not and we have limited resources—the people who pay the taxes in this country that come into the general revenue of the Treasury know full well we can't spend their money on everything. Parents of 50 million kids have said to us: Improve the quality of public education and reduce the cost of special education. One

certain way of doing that is by freeing up dollars at the local level, or reducing taxes for that local property taxpayer. I guarantee you that benefit is more than $20.50. If you are a parent of a public school child, and you get the kind of special education relief I offered, there is more tax relief for that taxpayer and that community than the $20.50 you are going to get if the Coverdell legislation is adopted.

I respect my colleagues from Georgia and New Jersey, but I come back to the point I made a moment ago. People who have children in public schools recognize that we have no choice but to try to make this system better. We have to do it or we are going to pay an awful price later this century. We are not going to have the kind of well-educated, productive citizens that we need.

I am hopeful my colleagues will recognize that the idea of reducing the cost of special education is something we can do something about today. In a few minutes we will have a chance to vote on this.

Mr. President, I ask unanimous consent that Senators REED, HARKIN, DORGAN, REID of Nevada, and KENNEDY be added as cosponsors of this amendment.

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

Mr. DODD. Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, how much time do we have between us?

The PRESIDING OFFICER. One minute 40 seconds.

Mr. DODD. Mr. President, I yield 1 minute 40 seconds to my colleague from Georgia.

Mr. COVERDELL. Mr. President, I graciously accept it. I will make a motion in 1 minute 40 seconds calling for a point of order against the amendment. The Senator from Connecticut knows that.

I guess it is all in the eyes of the beholder. An insignificant number of people will be beneficiaries. That insignificant number is 14 million families and 20 million children, and an individual family can expect only $20 worth of interest-free benefits.

But the point is, that, nevertheless, no matter what it is, if it is a quarter, it causes them to save $12 billion, whatever it is. It is $12 billion of new money flowing into both public and private education. That is not insignificant. Everett Dirksen said, ''A billion here and a billion there, and before long it is real money.'' Twelve billion dollars is real money. It would be controlled by America's families to help them with the very special and unique needs that their children have through these education savings accounts.

The pending amendment, No. 2857, offered by the Senator from Connecticut, Mr. DODD, increases mandatory spending by $1.2 billion, and, if adopted, would cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. DODD. Mr. President, I move to waive the relevant portions of the Budget Act.

I ask for the yeas and nays.

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

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Dodd amendment No. 2857. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

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

The yeas and nays resulted—yeas 44, nays 54, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—44

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Bayh	Graham	Lincoln
Bingaman	Harkin	Mikulski
Boxer	Hollings	Moynihan
Bryan	Inouye	Murray
Chafee, L.	Jeffords	Reed
Cleland	Johnson	Reid
Collins	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Schumer
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Edwards	Leahy	

NAYS—54

Abraham	Enzi	McConnell
Allard	Fitzgerald	Nickles
Ashcroft	Frist	Roberts
Bennett	Gorton	Roth
Biden	Gramm	Santorum
Bond	Grams	Sessions
Breaux	Grassley	Shelby
Brownback	Gregg	Smith (NH)
Bunning	Hagel	Smith (OR)
Burns	Hatch	Snowe
Byrd	Helms	Specter
Campbell	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Torricelli
DeWine	Lugar	Voinovich
Domenici	Mack	Warner

NOT VOTING—2

McCain	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2854

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Senator from Maine, Ms. COLLINS.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I apologize to the Senator from Maine. What we would like to have on this side—we understand it will be interspersed with Republican amendments, but the order of Senators offering amendments would be ROBB, BINGAMAN, GRAHAM, and WELLSTONE. The reason I make that announcement is so that Democratic Senators aren't going to be over here wondering when they can offer their amendments. These are the next four to be offered on our side.

Mr. COVERDELL. Mr. President, there will be a unanimous consent propounded after the vote on the Collins amendment, but for everybody's purposes, it is anticipated that there would be a vote on Collins shortly, maybe 30, 35 minutes. Then we would take up the Robb amendment but not vote on that until tomorrow morning around 10. I think that is the general agreement we have reached, to at least let everybody understand what we are dealing with.

I yield the floor so we may proceed with the Collins amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator THURMOND be added as a cosponsor of my amendment.

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

Ms. COLLINS. Mr. President, I rise to urge my colleagues to support the pending amendment which I have offered on behalf of myself, Senator KYL, Senator COVERDELL, Senator HATCH, Senator ABRAHAM, and Senator BUNNING. I know the hour is late and I understand if I speak very shortly I will get more votes, so I will be very brief in describing my amendment.

We have worked together to craft an amendment to help our public school teachers when they either pursue professional development at their own expense or purchase supplies for their classroom. Our amendment has two major provisions.

First, it will allow teachers to deduct their professional development expenses without subjecting the deduction to the existing 2-percent floor that is in our Tax Code. Second, it will grant teachers a tax credit of up to $100 for books, supplies, and other equipment they purchase for their students. As Senator KYL has noted, a study by the National Education Association indicates the average schoolteacher spends more than $400 a year on supplies and other materials for the classroom.

Our amendment would reward teachers for undertaking these activities that are designed to make them better teachers or to provide better supplies for their students. It is an example of a way that we can say thank you to teachers who do so much for our children.

While our amendment provides financial relief for our dedicated teachers, its real beneficiaries are our Nation's students. Other than involved parents, which we all know to be the most important component, a well-qualified and dedicated teacher is the single most important prerequisite for student success. Educational researchers have repeatedly demonstrated the

close relationship between qualified teachers and successful students.

Moreover, teachers themselves understand how important professional development is to maintaining and expanding their levels of competence. When I meet with teachers from Maine, they always tell me of their need for more professional development and the scarcity of financial support for this very worthy pursuit. The willingness of Maine's teachers to reach deep into their own pockets to fund their own professional development impresses me deeply. For example, an English teacher in Bangor, who serves on my Educational Policy Advisory Committee, told me of spending her own money to attend a curriculum conference. She then came back and shared that information with all of the English teachers in her department. She is not alone. She is typical of teachers who are willing to pay for their own professional development as well as to purchase supplies and materials to enhance their teaching.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their schools and to serve their students better. I greatly admire those teachers who reach into their own pockets to buy supplies, paints, books, all sorts of materials that are lacking in their classroom. We should reward those teachers. Let us change the Tax Code to recognize and reward their sacrifice and to encourage more teachers to take the courses they need or to help supplement the supplies in their classroom. I hope those changes in our Tax Code will encourage more teachers to undertake the formal course work in the subject matter they teach, or to complete graduate degrees in either a subject matter or in education, or to attend conferences to give them more ideas for innovative approaches to presenting the course work they teach in perhaps a more challenging manner.

This amendment will reimburse teachers for just a small part of what they invest in our children's future. This money will be money well spent. Investing in education helps us to build one of the most important assets for our country's future; that is, a well-educated population. We need to ensure that our public schools have the very best teachers possible in order to bring out the very best in our students. Adopting this amendment is the first step toward that goal. It will help us in a small way recognize the many sacrifices our teachers make each and every day.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in strong support of the amendment offered by the Senator from Maine, and I thank her for her leadership in bringing this issue before the Senate at this time.

Mr. President, no debate on tax incentives for education would be complete without a discussion of teachers and how they are taxed as professionals. In my view, the current law treatment is seriously deficient in this area.

First, let me review the technical points. Like any other professional, elementary and secondary school teachers incur a number of expenses in order to keep themselves current in their fields of knowledge. These include subscriptions to journals and other periodicals. In addition, many teachers invest in their own development by taking courses to improve their knowledge or skills. Under current law, these expenses are deductible, as miscellaneous itemized deductions. However, there are two practical limitations that effectively make these expenses non-deductible for most teachers.

The first limitation is that the total amount of a taxpayer's deductible miscellaneous expenses must exceed 2 percent of adjusted gross income before they begin to be deductible. The second hurdle is that the amount in excess of the 2 percent floor, if any, combined with all other deductions the taxpayer has, must exceed the standard deduction before any of them are deductible.

Let's consider just how difficult these limitations can be, Mr. President. I will use the example of a fifth-year high school science teacher in Utah who I will call Robin Stewart. Robin is single and makes $35,000 per year. She incurred $840 of expenses last year for science periodicals and for a course she took over the summer to increase her knowledge of chemistry.

Under current law, Robin's $840 expenditures are deductible, subject to the limitations I mentioned. The first limitation says that her expenses must exceed 2 percent of her income before they are deductible. Two percent of $35,000 is $700. Thus, only $140 of her $840 is deductible—that portion which exceeds $700.

As a single taxpayer, Robin's standard deduction for 2000 is $4,400. Her total itemized deductions, including the $140 miscellaneous deduction, fall short of this threshold. Therefore, not even the $140 is deductible for Robin. What the first limitation did not block, the second one did.

Unfortunately, Mr. President, this is the case for most of the school teachers in our nation. In 1997, the last year for which the Internal Revenue Service has statistics, only 29.9 percent of taxpayers were able to itemize their deductions. So even in the rare case where the 2 percent limitation does allow a significant deduction, chances are very good that it will not help the teacher because he or she cannot itemize.

The amendment before us is a good step in the right direction. It would remove the first limitation—the 2 percent floor on miscellaneous itemized deductions. Ideally, I would like to see the second limitation removed as well and make these kinds of expenses deductible by teachers regardless of whether or not they itemize. I hope that my colleagues on the Finance Committee will take a close look at the idea of an above-the-line deduction for teachers.

Mr. President, the second part of the amendment before us is also very important. It recognizes that many of our dedicated teachers incur personal expenses for materials for their classrooms. Under current law, these types of expenses are, once again, deductible, but only to the extent they exceed 2 percent of the taxpayer's adjusted gross income.

Many Americans may be unaware that many teachers subsidize their schools out of their own pockets. It is not unusual for teachers to have to pay for copying extra worksheets or articles, purchasing art supplies, or providing tablets and pencils to some students who are without. Many teachers buy library books, educational games, and puzzles for their classes with their own money.

Rather than treating these expenses the same as teacher development expenses, and exempting them from the 2 percent floor, this amendment goes one step further and grants a tax credit of up to $100 per taxpayer for materials the teacher supplies for his or her class. This means the teacher receives a dollar-for-dollar reduction in tax liability.

Some people may argue that teachers don't have to do this—why should they get a special tax credit?

The fact is that those teachers who love teaching and care about their students have been subsidizing their classrooms for years. They do it because our public schools frequently nickel-anddime the classroom in order to concentrate resources on required big ticket items.

And, Mr. President, there is one key difference between school teachers and other professionals that, in my mind, justifies this tax change. Teachers—unlike lawyers, accountants, physicians, or others who may take the existing deduction—are engaged in non-profit public service.

This amendment gives proper recognition to the personal sacrifice that many of our teachers make, year after year, toward improving the education of our children.

As in the other part of this amendment, Mr. President, this provision is not perfect. I would like to see this credit also extended to those parents in Utah and throughout the country who choose to teach their children at home. Their expenditures, which likely far exceed $100, also deserve the tax credit, and I hope the Finance Committee can look for ways in other legislation to extend such a credit to parents to teach at home.

But, the Collins-Kyl-Coverdell-Hatch amendment is a good step toward recognizing the dedication of our elementary and secondary school teachers and in helping them to meet the costs of their profession.

We say that we want our public school teachers to be the best.

We say we want our children and grandchildren taught by teachers who are competent and up-to-date not only in the subject matter they are teaching, but in the pedagogy of teaching it.

We say we want teachers who know how to exploit fully new learning technologies, including the Internet.

We say we want teachers who can recognize the signs of struggling or troubled students.

We say we want teachers who can inspire our kids.

We say we want teachers who are willing to go the extra mile.

Mr. President, this amendment, offered by Senator COLLINS, is not unlike an amendment I introduced myself. This amendment, like my own, is designed to get our tax policy in sync with our goals for education.

This amendment will provide modest tax relief for teachers who, for too long, have been footing the bill for improving the quality of teaching by themselves. It is time we helped out.

I urge the adoption of this amendment.

I compliment my colleagues for the good work they are doing.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I compliment Senator HATCH for the great way in which he explained this amendment which Senators COVERDELL, COLLINS, HATCH, and myself have cosponsored.

He points out that we have goals for excellence in teaching, and this is a way to help foster those goals. We ask our teachers to do a great deal. This is one small step we can take to help those who are most willing to help their students.

I thank Senator HATCH for an excellent statement.

I also thank Senator COLLINS for the kind remarks she made last evening. It has been a pleasure to work with her. She is a real leader in education. To be able to join my amendment with her amendment as one approach which provides some relief to the teachers who are willing to take that extra step to help their students is certainly an honor for me.

To recapitulate for our colleagues because I think we are going to be voting soon, I leave it to Senator COLLINS to close the debate unless there is anyone else who would like to speak to it. The old saying of taking an apple to the teacher at school has caused us to stop and think a little bit. It is fine to take an apple to the teacher, but there is a way we can be a little bit more helpful to those teachers who go the extra mile. There may not be a direct relationship between excellence in teaching and providing some assistance to those teachers who will go out of their way to take extra supplies to their students, but I suspect there, in fact, is a connection because these are the most dedicated of all—those teachers who realize their local schools have not been able to provide quite enough in instructional materials for their kids, and out of their own family budget they are willing to make a contribution for their students' education. As I pointed out last night, the NEA estimates, according to a study, that each teacher annually spends $408 out of his or her pocket to help kids in school by taking these instructional materials to them.

These two amendments, in a small way but an important way, recognize that dedication and that contribution. In the case of my half of the amendment, it provides dollar for dollar in relief and $100 in the case of Senator COLLINS' amendment. It relieves 2 percent of the burden for itemizing it, which Senator HATCH just spoke about.

Is this going to solve all of our woes in education? No. But is it an important recognition of the job teachers do, particularly those teachers who are willing to go the extra mile? We think it is. To the degree they are willing to supplement what their schools provide for students, and it comes out of their own pockets, we think we should at least cause them no harm in that process.

That is why we provide these two elements of tax relief basically to encourage them to continue to work with their students in this way.

I conclude again by thanking Senator COVERDELL for his leadership, Senator COLLINS, and Senator HATCH. I hope my colleagues will give this amendment their overwhelming support.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to join in support of this amendment. I think it is a brilliant idea and something that is overdue.

I think Senator HATCH has commented quite clearly why the present state of the law is ineffective to assist teachers who are working steadily and giving of themselves sacrificially for their classrooms and why the current tax law benefits them not very much, or almost none at all. I taught one year. I recall that we had expensive readers paid for by the government. I tried to get the disadvantaged children in the classroom to read those readers. They hated it. But there are a bunch of books there on the walls—Daniel Boone, Hardy Boys, Nancy Drew, and those kinds of books. I noticed that if I could get them to read those books, they liked it. Some of them read 30, 40, 50, or 60 books. When I went to the used bookstores, or places such as that, I would pick up books on my own and bring them back to the classroom because there was a lot of satisfaction in seeing those children actually enjoying reading a story.

I think sometimes we need to review the quality of the material we are asking our children to read. It may be scientifically sound, but most of it is boring. They don't like it; it is work to them. If you can make reading a pleasure, I think it helps.

My personal experience with that indicates to me we ought to encourage teachers to not hesitate. A teacher may bring them to Washington, and they may see prints of historical events or artwork they want to buy right then. The school board isn't going to be available to approve that. They know it will fit right within their classroom and the course they will be studying.

They invest their own money in that. I think that ought to be encouraged.

My wife taught for a number of years in public schools. She was continually buying things for her bulletin board to share with the elementary classes and to help her teach the lessons she had for that class.

There is no way some bureaucrat in Washington or even some school board member or principal is going to be available at the right time to approve that expenditure for a teacher.

We do not appreciate our teachers enough. If you haven't been in a classroom to know how hard it is, how frustrating it can be, and how burdensome the regulations are, adding the fact that the days are long and children may not be so well disposed to behave on a given day, you can't know what it is to be a teacher.

One of the most frustrating aspects is the little things teachers need that they cannot get unless they pay for them out of their own pocket. They do that continuously. But it is a source of irritation to them. They sense we are not supporting them fully in their mission.

I think this is a great amendment, I say to Senator COLLINS and Senator KYL. I think it is right on point. I could not be more pleased with it. I would like to be added as a cosponsor to it. I think it will help us in the classroom. The most important point in the education process is what occurs in a classroom, that magic moment when a teacher and child can come together and learning occurs. This will help enhance that. I am pleased to support the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank all my colleagues for their excellent statements on this amendment. I ask unanimous consent the Senator from Michigan, Mr. ABRAHAM, and the Senator from Alabama, Mr. SESSIONS, be added as cosponsors of the amendment.

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

Ms. COLLINS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be laid aside and Senator ROBB be recognized to offer an amendment; further, that the debate on the Robb amendment re school construction resume at 9:30 a.m. tomorrow morning, and the time between 9:30 and 10 be equally divided in the usual form, and following the use or yielding back of time, the Senate proceed to a vote on or in relation to the amendment. Further, I ask there be no amendment in order to the amendment prior to the vote.

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

Mr. COVERDELL. Mr. President, therefore, following the Collins vote, there will be no further votes tonight, and the first vote will occur at 10 a.m. tomorrow morning.

I also ask unanimous consent—and the Senator from Nevada and I both consulted about this—that Senator CRAPO be recognized in morning business for up to 10 minutes immediately following the Collins vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. And following Senator CRAPO, the Senator from Montana will be recognized for 15 minutes.

Mr. COVERDELL. I so amend the unanimous consent request.

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

Mr. COVERDELL. Mr. President, I believe the order of business then would be for Senator ROBB to offer his amendment. It is my understanding he is only going to talk about it briefly.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2861

(Purpose: To eliminate the use of education individual retirement accounts for elementary and secondary school expenses and to expand the incentives for the construction and renovation of public schools)

Mr. ROBB. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. ROBB], for himself, Mr. HARKIN, Mr. CONRAD, and Mr. LAUTENBERG, proposes an amendment numbered 2861.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. ROBB. Mr. President, it is my intention to make the argument as a proponent of this amendment tomorrow morning. I was prepared to make it at this time, but to accommodate our colleagues I will at this time ask unanimous consent this amendment be temporarily laid aside so we may proceed with the pending vote, and we will return to the amendment for argument first thing tomorrow morning.

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

VOTE ON AMENDMENT NO. 2854

Mr. COVERDELL. Mr. President, under the previously propounded unanimous consent agreement, I believe it is appropriate we move to a vote on the Collins amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2854. The yeas and nays have already been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—98

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Chafee, L.	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Voinovich
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NOT VOTING—2

McCain	Murkowski

The amendment (No. 2854) was agreed to.

Mr. MCCONNELL. Mr. President, I come to the floor to support the Affordable Education Act, which addresses an important issue facing American families today—the education of their children. It is my long-held belief that we need to make a college education more affordable, and this legislation will do that by providing tax incentives to families who save for their children's future education needs.

While I strongly support this legislative package, I want to focus on a provision which I have championed for the past six years. Section 102 of the bill makes savings in qualified state tuition plans tax free. This provision would reward savings and allow students and families who are participating in these state-sponsored plans to be exempt from federal income tax when the funds are used for qualified education purposes. This legislation also recognizes the leadership that states have provided in helping families save for college. Nationwide, 44 savings plans will be established in 2000, serving over one million savers who have contributed over $7 billion in education savings. In my state of Kentucky, over 3,000 families have established accounts, which amount to $9.3 million in savings.

This legislation will reward long-term saving by making savings for education tax-free. It is important that we not forget that compounded interest cuts both ways. By saving, participants can keep pace with, or even ahead of, tuition increases while putting a little away at a time. By borrowing, students bear added interest costs that add thousands to the total cost of tuition. Savings will have a positive impact, by reducing the need for students to borrow tens of thousands of dollars in student loans. This will help make need-based grants, which target low-income families, go much further.

Anyone with a child in college knows first-hand the expense of higher education. Throughout the 1990s, education costs have continually outstripped the gains in income. Tuition rates have not become the greatest obstacle students face in attending college. In fact, the astronomical increase in college costs has been well documented. According to a study conducted by the College Board, over the ten-year period ending in 1999–00, tuition and fees at both pubic and private four-year colleges have increased on average more than 110 percent over inflation since 1980–81, with costs at public colleges rising 51 percent compared to the 34 percent for private four-year colleges. While average, inflation-adjusted tuition has more than doubled, median family income has risen only 22 percent since 1981. To compound this problem, room and board charges are between 3.6 and 4.8 percent higher this year than last year.

Due to the high cost of education, more and more families have come to rely on financial aid to meet tuition costs. In fact, a majority of all college students utilize some amount of financial assistance. The College Board estimates that most of the growth in financial aid has been in the form of student borrowing. In 1998–99, $64.1 billion in financial aid was available to students and their families from federal, state, and institutional sources. However, despite the fact that student aid has increased in value, it has not increased enough to keep pace with the rise in tuition.

Many Kentuckians are drawn to tuition savings plans because they offer a low-cost, disciplined approach to savings. In fact, the average monthly contribution in Kentucky is just $52—clearly this benefits middle-class savers. By exempting all interest earnings

from federal taxes, this legislation rewards parents who are serious about their children's future and who are committed over the long-term to the education of their children.

I would like to share an article written by Jane Bryant Quinn, a nationally syndicated financial columnist. In this article, Ms. Quinn discusses the unique tax benefit and the stable investment provided by the existing plans. Ms. Quinn noted that these plans are ''a great way for parents or grandparents to build a college fund.'' Mr. President, I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks. I encourage all of my colleagues to read it.

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

(See exhibit 1.)

Mr. MCCONNELL. Mr. President, despite the Administration's objection to expanding the favorable tax treatment of these state plans, I am pleased that Congress has achieved real reform over the past several years.

In 1996, Congress took the first step in providing tax relief to families investing in these programs. In the Small Business Job Protection Act of 1996, I was able to include a provision that clarified the tax treatment of state-sponsored savings plans and the participants' investment. This measure put an end to the tax uncertainty that has hampered the effectiveness of these state-sponsored programs and helped families who are trying to save for their children's education.

In 1997, the Taxpayer Relief Act made revisions to provide increased flexibility to families saving for their children's college education. The most significant reform was to expand the definition of ''qualified education costs'' to include room and board, thus doubling the amount families could save tax-free.

As a result of our actions over the last several years, more and more state plans have implemented tuition savings and prepaid plans for their residents. It is projected that there will be 44 states with tuition savings plans by the year 2000. I believe that we have a real opportunity to go even further toward making college affordable to American families. It is in our best interest as a nation to maintain a quality and affordable education system for everyone. By passing this legislation, we can help families help themselves by rewarding savings. This will reduce the cost of education and will not unnecessarily burden future generations with thousands of dollars in loans.

In addition to making savings in qualified State and private college tuition plans completely tax-free, this legislation makes a number of other changes that are essential to helping families afford a quality education. Specifically, this legislation increases the contributions for K–12 education savings accounts to help families meet the expenses of a primary education. This legislation creates incentives for employer-provided educational assistance so that individuals can continue their education while working. This legislation also changes the rules for interest deductions so that qualified education loans are more affordable for students. Additionally, this legislation revises the National Health Corps Scholarships Exclusion, increases the arbitrage rebate exception on tax-exempt bonds, provides for private activity bonds for qualified education facilities, and allows the Federal Home Loan Bank to guarantee school construction bonds. These important reforms are critical to helping families save for the future.

I urge my colleagues to support this valuable legislation this year to reward those who save in order to provide a college education for their children.

EXHIBIT 1

[From the Washington Post, Jan. 30, 2000]

SECTION 529 COLLEGE SAVINGS PLANS RATE AN A

(By Jane Bryant Quinn)

If you haven't yet heard about state Section 529 savings plans, listen up. They're a great way for parents or grandparents to build a college fund.

These plans drip with income-tax and estate-tax breaks and offer a potential for gain that older college plans can't touch. Many top plans are open to residents of any state.

Until recently, 529s were marketed by the states themselves or by two no-load mutual-fund groups—Fidelity and TIAA–CREF—that some states have hired to manage their money.

Brokers and financial planners who work for commissions weren't paid to sell 529s, so they steered your college money somewhere else.

But now, two big brokerage firms are also in the game, selling state 529 plans to a national clientele. Merrill Lynch hitched up with Maine's NextGen program. Salomon Smith Barney has Colorado's Scholars Choice plan and will soon offer West Virginia's plan.

This creates an army of brokers prepared to tout this new form of investing to the public. Commercial sales should help get more people talking about 529s.

State 529 plans (the name refers to a section of the IRS Code) were authorized by Congress in 1996. You can invest lump sums or make regular monthly contributions. The plans come in two forms:

A prepaid tuition plan. The conservative choice. These plans guarantee that the money you save today will match the growth in tuition inflation at state-run colleges. Currently, that's an effective 3.4 percent return. You can also use the money for tuition at out-of-state schools.

A college savings plan. Here, you contribute to an investment pool that has the potential of rising faster than the college inflation rate (although there's no guarantee). You can use the money at any accredited school, for any qualified education expense.

Savings plans are currently offered by 23 states, and nine more are starting up this year. If your state doesn't have a savings plan, or has one with unattractive features, you can join one in another state.

A few states keep your money in bonds, but most provide a mix of stocks and bonds. A typical 529 account leans heavily toward stocks when the child is young, then moves automatically toward safer bonds and money-market funds as college draws near.

Some states give you a choice of accounts. Maine, for example, offers four accounts—one of which is 100 percent invested in stocks.

Under 529 rules, you can't switch your money from one account to another within the plan. To diversify, you'd contribute to more than one account, says Maine's treasurer, Dale McCormick.

Here's the beauty of 529 plans. All the earnings accumulate tax-deferred. When you take out the money for higher education, it's taxed in your child's bracket, not yours.

Some states let you deduct your contribution on your state tax return. Other states let your earnings pass tax-free.

The value of the plan is not included in your taxable estate. But you still control the money, says certified public accountant and 529 expert Joseph Hurley of Bonadio & Co. in Pittsford, N.Y.

You can change the plan's beneficiary from one family member to another (including an adult seeking further education). You can even drop the plan and take your money back.

If you spend 529 money on something other than higher education, that withdrawal will be taxed in your bracket. You'll also pay a penalty—typically 10 percent of earnings (sometimes more).

''A 10 percent penalty on earnings isn't bad,'' Hurley says. ''If your account yielded 10 percent, you'd still net 9 percent, pretax.''

Surprisingly, 529 savings plans detract little or nothing from your child's potential financial-aid award. The money is treated as belonging to the donor, not the student.

Hurley gives top marks to the plans in the following states: Arkansas (1–877–422–6553), Colorado (1–800–478–5651), Maine (1–877–563–9843), Missouri (1–888–414–6678), New Hampshire (1–800–544–1722), Utah (1–800–418–2551) and Virginia (888–567–0540). For his opinion of all the state plans, visit savingforcollege.com.

The new edition of Hurley's book, ''The Best Way to Save for College,'' is due at the end of this month ($25.95 including shipping; order from savingforcollege.com or call 1–800–487–7624). It contains plan comparisons plus tax tips that financial salespeople aren't likely to know.

For extended information on all the state plans, call the National Association of State Treasurers at 1–877–277–6496 or visit its Web site (www.collegesavings.org).

Mr. ALLARD. Mr. President, I stand before you today to support S. 1134, the Affordable Education Act. I have been a long time supporter of the Education Savings Account. I believe that ESA's can be a very effective tool in helping parents have an impact on their child's education. The key to a child's education is parent involvement. As well intentioned as we may be here in Washington, no amount of money or regulation can accomplish what a child's parents can. I have worked and will continue to work to help provide parents the opportunity to have an increasing say in their child's education. I believe this bill will help to accomplish just that.

The changes this bill will make to the Taxpayer Relief Act of 1997 will provide flexibility and choice to parents. Parents who earn less than $95,000 a year can pay up to $2,000 a year per child into a tax exempt Education Savings Account. This is an increase of 400% from the current limit. Under current law, money that is payed into ESA's is only available to pay for higher education. This bill will make

money payed into an ESA available for parents during the K–12 years of education. This legislation gives parents the flexibility to use their money on anything from college tuition to books or computers if these supplies are utilized in their child's education.

If parents would like to send their child to a private school this money will be available. Some will say that Education Savings Accounts will just benefit the rich. I strongly disagree. This bill would move all parents who want to send their child to a private school $2,000 closer to that goal. If parents want to keep their child in public school they have their ESA available to pay for any additional fees or supplies that would help educate their child.

Education is a crucial issue. In January and February I held 63 town meetings in the state of Colorado where parents spoke with me first hand about their concerns with the education system. I receive many letters from parents sharing similar sentiments every week. They tell me they are having a difficult time paying extra fees to allow their child to participate in extra curricular activities. Education Savings Accounts can help those parents set aside money to pay for activities that help build character for students. They tell me that they are having to pay for school books that they cannot afford. Education Savings Accounts can help those parents set aside money to pay for the books that their child needs. They tell me that college is becoming too expensive. Education Savings Accounts help parents set aside money to pay for their child's college tuition so that they can graduate without worrying about having to pay off loans.

This bill also addresses other needs in the area of education. Local communities that pass tax-exempt bonds must pay the government the arbitrage, or interest, that accrues on those bonds. The Affordable Education Act increases the ceiling of eligibility for retaining bond arbitrage from $10 million to $15 million. This provides more money for school construction. Relief for graduate students is also included in this bill. The sixty month limit on loan interest tax deduction for graduate students is eliminated. This helps students who are unable to pay off their loans in five years. Employers are also allowed to provide up to $5,250 a year in tax exempt income to an employee attending college or graduate school for tuition assistance. Education Savings Accounts can be extended past the age of 18 for special education students who may not start college at the age of 18 like traditional students.

This bill will also provide a positive impact in other important areas. It provides tax relief which is very important to me and my constituents by reducing taxable income for families with children. I believe it can also reduce juvenile crime by allowing parents to pay for after school care for their child. This would allow children to be involved in activities during the time of day in which children are at the greatest risk of misbehaving, the time between the end of the school day and the end of the work day when many children are unsupervised.

We have an opportunity today to begin to work towards important reform of our education system. We have passed provisions similar to this bill in the past only to see the President veto them. I hope we can overcome this ''one-size-fits-all'' attitude towards education and pass the Affordable Education Act. Lets put the control back in the hands of parents instead of bureaucrats. I strongly urge all my colleagues to support this bill.

● Mr. MCCAIN. Mr. President, the Affordable Education Act is an important step toward returning to parents and communities the resources and responsibility to provide for their children's education, and expanding educational opportunities for millions of Americans of all ages.

As an original cosponsor of S. 14, the ''Education Savings Account and School Excellence Act'', portions of which are contained in this bill, I am strongly committed to strengthening and expanding education savings accounts for American families. Families should be encouraged and given incentives to save more of their money for their children's college education, but also to set aside money to meet the unique needs of the children throughout their school years.

The Affordable Education Act expands the existing tax-preferred Education Savings Accounts, which allow families to save for college expenses, to include elementary and secondary educational costs. The bill also allows corporations and other entities, in addition to individuals, to contribute to a child's ESA.

Under this bill, money saved in ESAs could be withdrawn tax-free to pay for a child's educational expenses from kindergarten through high school, not just college. Expanded ESA's could be used to hire a tutor for a child who is struggling with math, or foreign language lessons to help a child become bilingual or multilingual. ESA savings could be used to purchase a home computer or give a child with dyslexia access to a special education teacher. Expanded ESA's will help parents address their children's unique needs and concerns, and encourage their particular abilities. Expanded ESA's can help ensure each child is prepared to succeed in higher education or employment.

This bill also contains several important initiatives to provide greater access to higher education. It supports employer initiatives offering educational assistance to their employees by extending the tax exclusion for employer-paid undergraduate tuition and expanding the tax exclusion to also cover graduate-level courses. The bill helps make college more affordable by allowing private institutions to establish qualified pre-paid college tuition plans and allows certain tax-free withdrawals from qualified State tuition plans.

Unfortunately, expansion of ESA's and the other provisions noted above are only temporary in the bill before the Senate. Because these programs are important tools for families struggling to pay for the children's college and other educational expenses, I believe these initiatives should be made permanent.

Another important aspect of the bill is the new tax exclusion of certain amounts received from the National Health Corps and Armed Forces Health Professions Scholarship programs. Those who receive these scholarships will go on to provide medical and dental services in our nation's underserved areas as well as in military service.

The bill also authorizes the tax-exempt financing rules for school construction. Local communities can determine how to best use their educational resources—whether hiring new teachers, providing additional classroom services, or constructing new schools. This bill gives communities a financial break if they choose to use some of their resources for new school construction, making it possible to accomplish more with limited resources.

Finally, I note with approval that the bill contains several provisions to close existing tax loopholes for special interests in order to balance the costs of these important education initiatives. I would encourage the Senate to consider adding several more of these inequitable tax loopholes to the bill in order to make permanent the expanded ESA's and other important education incentives in this bill.

Again, I reiterate my strong support for this bill, and I urge my colleagues to support it. More important, I urge the President to consider the importance of this legislation for expanding the educational opportunities of all Americans, and I urge him to sign this bill when it reaches his desk.●

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is recognized for 10 minutes.

(The remarks of Mr. CRAPO pertaining to the introduction of S. 2118, S. 2119, S. 2120, S. 2121, and S. 2122 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from West Virginia is recognized.

WHEN WILL THE CYCLE OF SCHOOL VIOLENCE END?

Mr. BYRD. Mr. President, the nightmare of violence in our nation's schools has grabbed our attention once more. This morning, a first-grade student was shot and killed by another first-grader at a Michigan elementary school. Our thoughts and prayers are with the young girl's family, with the young person who pulled the trigger, and with the twenty other students in the classroom. Tragically, once again, the notion of schools as a safe haven was shattered by the sound of gunfire, and we must now begin to face the formidable challenge of rebuilding that serene and tranquil school environment that each and every student and teacher deserves.

This tragedy begs some very basic questions of our society.

First, and perhaps most importantly, what is a first-grader doing with a loaded gun? A first-grader is six years old, maybe even seven. These are merely babes with sweet young faces who have barely begun their lives. They are still putting baby teeth under their pillows awaiting a visit from the tooth fairy. How did this child get the weapon? And what on Earth possessed the child to bring it to school?

What has gone so wrong in our nation that students feel the need to bring weapons to the public school classroom? Do they think they have to show off for their friends? Do they feel the need for power? Surely not a child in the first grade. Do they think that carrying a weapon to school gives them greater stature? I know that we, as a nation, have been struggling with these questions for many, many months, but it is time we started to reach some conclusions.

In the 315 days since the tragedy at Columbine High School, the violence has not stopped. We have seen the same tragic scene of students and teachers pouring out of schools in fear in Atlanta. In the District of Columbia, since this school year began in September, 15 public school students have been killed. According to police, eight of the fifteen slayings were precipitated by an argument in school and ended in gunfire on a neighborhood street. For some reason that we cannot seem to get our arms around, our children continue to injure and kill one another.

Why in the world are we not concentrating on this? Why is the Juvenile Justice bill, which passed this Senate in May with common-sense weapons controls, still stalled? How many children have to die before this Congress sits up and takes notice? How many lives, so full of potential, have to be snuffed out: 15, 30, 50, 100?

We need to find out why these tragedies continue to occur, and we need to find ways to stop it.

There will be a supplemental bill coming before this Senate soon which is intended to provide close to a billion dollars in aid for Colombia. The White House calls this funding an emergency. I think we have more than enough emergencies here on our home soil that demand urgent attention. It is time to get our priorities straight.

I understand that this is not something that Congress can do on its own, nor is it something that a local school board can accomplish by itself. Putting an end to school violence will take a concerted effort—from lawmakers to parents to students to clergy to community leaders. No one can be given a pass. We all share a responsibility to come together, to look past any historical differences, and to work to find real solutions that will put an end to these tragedies.

I only pray that we can.

My heart goes out to the family who must be stunned at the loss of their little girl. I can only imagine their suffering. All the potential in one tiny, small, little innocent life has been stolen in the flash of a gun. I hope that this Congress, and I hope that the electronic media, the Hollywood movie stars, the movie industry, and the whole Nation, will finally commit to taking the difficult steps that are needed to make sure something positive can come from such an incredible tragedy.

I yield the floor.

KEEP OUR PROMISE TO AMERICA'S MILITARY RETIREES

Mr. ABRAHAM. Mr. President, I join my colleagues in sponsoring, S. 2003, the Keep Our Promise to America's Military Retirees Act of 2000. I am sponsoring this legislation because I believe it is necessary if we are to fulfill our moral obligation to those who devoted their careers to safeguarding our nation's people, our homes, and our way of life.

The brave men and women of our armed forces literally put their lives on the line for this country. We owe them a debt we can never repay. But one thing we cannot do, in my opinion, is fail to live up to our explicit promise that those who made military life their career would receive, in return lifetime medical care. That is a promise we have made; and it is a promise we must keep.

There has already been a great deal of discussion on this topic in the Administration and the Congress. In the 1998 National Defense Authorization Act, Congress expressed its sense that many retired military personnel reasonably believed that they had been promised lifetime health care in exchange for 20 or more years of service. Recruiters for the uniformed services, as agents of the United States government, had used recruiting tactics promising enrollees entering the Armed Forces prior to June 7, 1956, that they would be entitled to fully paid lifetime health care upon retirement.

Unfortunately, prior to 1956, a statutory health care plan did not exist for our military personnel. Since the establishment of CHAMPUS, and its successor, Tricare, we have seen the erosion of space-available health care at military treatment facilities for military retirees. Additionally, military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure. As a result, military retiree's health care situation is woefully inadequate compared to health care afforded to other federal employees. Today, military retirees remain the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age. Military retirees deserve to have a health care program that is at least comparable with that of retirees from civilian employment in the Federal Government.

In statements before this Congress, our distinguished Secretary of Defense and Chairman of the Joint Chiefs have reiterated the importance of seeing to military retirees' health needs. According to Secretary Cohen, the loudest complaints he hears while traveling concern the military health care system.

I believe General Hugh Shelton expressed the correct response to these complaints when he stated, ''I think that the first thing we need to do is make sure that we acknowledge our commitment to the retirees for their years of service and for what we basically committed to at the time they were recruited into the armed forces.''

It is morally imperative, that we keep our promise to the brave men and women who devoted their careers to protecting our country.

But we should also keep in mind that health care is not only a top issue for retirees; it is also a major source of dissatisfaction for active duty personnel. As such it affects readiness, recruiting and retention. The availability of quality, lifetime health care is a critical recruiting incentive for the all volunteer Armed Forces.

That incentive has been undermined by the declining services provided to military retirees. In its self-proclaimed ''Year of Health Care,'' the Department of Defense had a major opportunity to take the lead in keeping commitments to service members and start erasing the skepticism and distrust that years of broken health care promises have engendered among the retired population. Putting these initiatives in the

President's budget would have made them much easier to enact. But, once again, the Administration has chosen to pass its moral responsibilities to the Congress.

For too long, this Administration has ignored the needs of the brave men and women who have defended our interests and our shores. This is unfair. What is more, in my view it is unwise to ignore the well-being of military retirees.

Well-trained, properly motivated troops have been and continue to be the single most important factor in protecting our national security. Without them we will not be able to achieve and maintain military readiness. We will not be able, as a nation, to fight and win. Under current conditions we cannot expect to maintain the levels of re-enlistment, expertise and morale we need to maintain an effective military force.

Last year this Congress took it upon itself to address the critical issue of unconscionably low military pay. I hope and believe that this year we will address the no-less critical issue of unconscionably inadequate health care services for military retirees.

This Congress and the President must take action to address the problems associated with the availability of health care for military retirees. Keeping this nation's promise and providing adequate health care for military retirees is an issue whose time has come. Every day, in hundreds of locations all over the world, our soldiers, sailors and airmen willingly serve in defense of our national interest, promoting peace and prosperity around the globe.

We have asked for the greatest sacrifice from our military retirees and today's men and women in uniform—to give one's life in defense of their nation. When people put themselves in harm's way for their country, they should not have to worry about their families' access to proper health care.

We must act upon the sense of this Congress that the United States has incurred a moral obligation to provide health care to former members of the Armed Forces who are entitled to retired or retainer pay (or its equivalent); and it is, therefore, necessary to provide quality, affordable health to such retirees.

For these reasons I am happy to join with Senators COVERDELL, JOHNSON, and 13 fellow Senators in co-sponsoring the bipartisan Keep Our Promise to America's Military Retirees Act (S. 2003). This legislation is key to re-establishing the morale, confidence and trust of our military retirees.

I urge my colleagues to support this important legislation.

BLACK HISTORY MONTH

Mr. SCHUMER. Mr. President, during the Civil Rights movement, Dr. Carter G. Woodson's idea of a Negro History Week honoring the achievements of African Americans was extended to the entire month of February.

I rise today as a Senator from the state with the largest population of African Americans in the United States to speak on behalf of this year's Black History Month theme ''Heritage and Horizons.'' Harlem, New York was the center of a 1930's Renaissance period. It attracted aspiring individuals from across the country and the world. It is also the birthplace of renowned African Americans who have excelled in the areas of politics and business, arts and entertainment, athletics and activism.

Since the expansion of the Negro History Week to Black History Month, countless African Americans continue to amass accomplishments and shatter barriers worthy of multiple months of tribute. Many of us know of the great strides made by Dr. Martin Luther King, Jr., Frederick Douglas, Booker T. Washington, W. E. B. DuBois, Ida B. Wells, and Rosa Parks. Many of the Members in this chamber have worked alongside Shirley Chisholm, Thurgood Marshall Sr., Charles Rangel, Clifford Alexander, Jr., and Colin Powell.

African Americans from New York have been pioneers in many different fields. In 1981, Pam McAllister Johnson was named publisher of Gannett's Ithaca (NY) Journal, making her the first African American woman to head a general circulation newspaper in the United States. In June 1995, Dr. Lonnie Bristow, a Harlem native, became the first African American appointed as president of the American Medical Association. American Express announced in February 1997 that Kenneth Chenault was named president and heir apparent to the position of CEO, making the Long Island native the highest-ranking African American executive in corporate America.

Art Hardwick, husband of Shirley Chisholm, won the 1962 State Assembly race becoming the first African American to represent Western New York. In 1971, Carmel C. Marr became the first woman of any race to serve as Commissioner of the New York State Public Service Commission. Harry Belafonte, a Harlem native, was recently honored at the Grammy's for his lifetime contributions as an actor and entertainer. Denzel Washington, born and raised in Mount Vernon, recently won a Golden Globe for his role in the movie Hurricane. The critically acclaimed author of The Women of Brewster Place, Gloria Naylor, hails from Queens, New York.

In 1957, New York City native Althea Gibson was the first African American woman to compete and win at the Wimbledon and Forest Hills. The following year, she repeated as the Wimbledon and U.S. National Tennis Champion. Former NBA coach and Brooklyn native, Lenny Wilkins, was voted into the Basketball Hall of Fame for holding the NBA record for the most regular season victories by a coach.

Almost 70 years after the Renaissance began, New York continues to be the place where African American innovators and pioneers distinguish themselves, thereby continuing the Renaissance and enhancing our country.

NOMINATION OF GEORGE DANIELS

Mr. SCHUMER. Mr. President, I am extremely pleased to rise today to speak about George Daniels, who has just been confirmed as a Federal Judge in the Southern District of New York.

George Daniels is uniquely qualified to serve in this position. His work experience is as diverse and impressive as it gets: He has been a Legal Aid Defense Attorney and a prosecutor; he has worked at a top New York Law firm and served as a Law Professor; he worked in politics as Counsel to the Mayor of New York, and, of course, he has been a Judge—first on the Criminal Court of the City of New York and then as a Justice on the Supreme Court of the State of New York. I know he has the respect and the admiration from individuals on both sides of the aisle.

I am extremely pleased to see him confirmed as a Federal Judge. I know he will be an extraordinary addition to the Southern District of New York bench.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 28, 2000, the Federal debt stood at $5,747,333,809,275.61 (Five trillion, seven hundred forty-seven billion, three hundred thirty-three million, eight hundred nine thousand, two hundred seventy-five dollars and sixty-one cents).

Five years ago, February 28, 1995, the Federal debt stood at $4,854,298,000,000 (Four trillion, eight hundred fifty-four billion, two hundred ninety-eight million).

Ten years ago, February 28, 1990, the Federal debt stood at $2,994,354,000,000 (Two trillion, nine hundred ninety-four billion, three hundred fifty-four million).

Fifteen years ago, February 28, 1985, the Federal debt stood at $1,698,358,000,000 (One trillion, six hundred ninety-eight billion, three hundred fifty-eight million).

Twenty-five years ago, February 28, 1975, the Federal debt stood at $499,711,000,000 (Four hundred ninety-nine billion, seven hundred eleven million) which reflects a debt increase of more than $5 trillion—$5,247,622,809,275.61 (Five trillion, two hundred forty-seven billion, six hundred twenty-two million, eight hundred nine thousand, two hundred seventy-five dollars and sixty-one cents) during the past 25 years.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:47 p.m., a message from the House of Representatives delivered by

Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 149. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated on February 24, 2000:

H.R. 3642. An act to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world; to the Committee on Banking, Housing, and Urban Affairs.

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–7754. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation relative to Vieques, PR; to the Committee on Armed Services.

EC–7755. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to France; to the Committee on Foreign Relations.

EC–7756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Country Reports on Human Rights Practices for 1999; to the Committee on Foreign Relations.

EC–7757. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Childhood Blood-Lead Screening and Lead Awareness (Educational Outreach for Indian Tribes; Notice of Funds Availability (OPPTS))'' (FRL # 6491–2), received February 24, 2000; to the Committee on Indian Affairs.

EC–7758. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the fiscal year 2001 budget request; to the Committee on Rules and Administration.

EC–7759. A communication from the President of the United States of America, relative to the continuation of the emergency with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–7760. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Amendments to HUD's Mortgage Review Board and Civil Money Penalty Regulations'' (RIN2501–AC44) (FR–4308–I–01), received February 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7761. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pink Bollworm Regulated Areas'' (Docket # 00–009–1), received February 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7762. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Individual Development Accounts'' (RIN0970–AC02), received February 28, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7763. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Automatic Waiver of Certain Excise Tax'' (Rev. Proc. 2000–17), received February 24, 2000; to the Committee on Finance.

EC–7764. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–247, ''Police Recruiting and Retention Enhancement Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–7765. A communication from the Chief Financial Officer, Export-Import Bank transmitting, pursuant to law, the Management report as of September 30, 1999; to the Committee on Governmental Affairs.

EC–7766. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–7767. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–7768. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Unregulated Contaminant Monitoring Regulation for Public Water Systems; Analytical Methods for Percholated and Acetochlor; Announcement of Laboratory Approval and Performance Testing (TP) Program for the Analysis of Percholate (OW)'' (FRL # 6544–6), received February 24, 2000; to the Committee on Environment and Public Works.

EC–7769. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan; Plan Revision, South Coast Air Quality Management District (Region 9)'' (FRL # 6541–9), received February 18, 2000; to the Committee on Environment and Public Works.

EC–7770. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan; Plan Revision, South Coast Air Quality Management District'' (FRL # 6540–6), received February 18, 2000; to the Committee on Environment and Public Works.

EC–7771. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction'' (FRL # 6518–7), received February 17, 2000; to the Committee on Environment and Public Works.

EC–7772. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia'' (FRL # 6541–5), received February 17, 2000; to the Committee on Environment and Public Works.

EC–7773. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL # 6541–1), received February 17, 2000; to the Committee on Environment and Public Works.

EC–7774. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' (FRL # 6513–8), received February 17, 2000; to the Committee on Environment and Public Works.

EC–7775. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of the Clean Air Act, Section 112(1), Delegation of Authority to Three Local Air Agencies in Washington, Amendment (Region 10)'', received February 23, 2000; to the Committee on Environment and Public Works.

EC–7776. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions (Region 6)'' (FRL # 6543–3), received February 23, 2000; to the Committee on Environment and Public Works.

EC–7777. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Missouri: Final Authorization of State Hazardous Waste Management Program Revision (Region 7)'' (FRL # 6543–5), received February 23, 2000; to the Committee on Environment and Public Works.

EC–7778. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone (The NOx SIP Call Rule) (OAR)'' (FRL # 6542–9), received February 23, 2000; to the Committee on Environment and Public Works.

EC–7779. A communication from the Administrator, National Aeronautics and Space

Administration, transmitting, pursuant to law, the report of calendar year 1999 actions taken which involve actual or potential cost in excess of $50,000; to the Committee on Commerce, Science, and Transportation.

EC–7780. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Shelikof Strait Conservation Area in the Gulf of Alaska'', received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7781. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to Required Observer Coverage'', received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7782. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska'', received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7783. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'', received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7784. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan; Delay of Effectiveness'' (RIN0648–AK79), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7785. A communication from the Attorney Adviser, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled ''Anthropomorphic Test Dummy: Occupant Safety Protection'' (RIN2127–AG66), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7786. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled ''Foreign Acquisition (Part 1825 Rewrite)'', received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7787. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, a report entitled ''1999 Activities of the Northeast Atlantic Fisheries Organization (NAFO)''; to the Committee on Commerce, Science, and Transportation.

EC–7788. A communication from the Deputy Associate Administrator for Legislative Affairs, National Aeronautics and Space Administration transmitting, pursuant to law, a correction to the ''Subsonic Noise Reduction Technology'' report; to the Committee on Commerce, Science, and Transportation.

EC–7789. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Jamaica Bay and Connecting Waterways, NY (CGD01–00–008)'' (RIN2115–AE47) (2000–0012), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7790. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Norwalk River, CT (CGD01–00–006)'' (RIN2115–AE47) (2000–0011), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7791. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations: Los Angeles-Long Beach Harbors, CA (CGD11–99–008)'' (RIN2115–AA98) (2000–0002), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7792. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Tampa Bay, FL (COTP Tampa 99–042)'' (RIN2115–AA97) (2000–0003), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (251); Amdt. No. 1975 (2–25/2–28)'' (RIN2120–AA65) (2000–0010), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (111); Amdt. No. 1976 (2–25/2–28)'' (RIN2120–AA65) (2000–0011), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (22); Amdt. No. 1977 (2–25/2–28)'' (RIN2120–AA65) (2000–0013), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change Controlling Agency for Restricted Areas –6901A and R–6901B; Fort McCoy, WI; Docket No. 00–AGL–5 (2–25/2–28)'' (RIN2120–AA66) (2000–0057), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of the El Toro Marine Air Corps Air Station (MCAS) Airspace Area, and the Revision of the Santa Ana Class C Airspace Area, CA; Docket No. 99–ASW–10 (2–23/2–24)'' (RIN2120–AA66) (2000–005421), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Cuba, MO; Direct Final Rule; Request for Comments; Docket No. 00–ACE–3 (2–25/2–28)'' (RIN2120–AA66) (2000–0058), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Lexington, NC; Docket No. 00–ASO–7 (2–28/2–28)'' (RIN2120–AA66) (2000–0059), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Oak Harbor, WA; Docket No. 99–ANM–03 (2–28/2–28)'' (RIN2120–AA66) (2000–0060), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Hutchinson KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–48 (2–22/2–24)'' (RIN2120–AA66) (2000–0056, received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Amendment of Class D Airspace; Key West, FL; Docket No. 99–ASO–28 (2–22/2–24)'' (RIN2120–AA66) (2000–0055, received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–3 and DC–4 Series Airplanes; Docket No. 99–NM–139 (2–22/2–24)'' (RIN2120–AA64) (2000–0099), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 172R 172S, 182S, 206H, and T206H Airplanes; Request for Comments; Docket No. 2000–CE–07 (2–22/2–24)'' (RIN2120–AA64) (2000–0100), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hoffman Propeller Co. H027 and H04/27 Series Propellers; Request for Comments; Docket No. 98–ANE–64 (2–23/2–24)'' (RIN2120–AA64) (2000–0106), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Cameron Balloons Ltd. Titanium Propane Cylinders, Part Number (P/N) CB2380 and P/N CB2383; Request for Comments; Docket No. 2000–CE–08 (2–22/2–24)'' (RIN2120–AA64) (2000–0104), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Israel Aircraft Industries, LTD., Model Astra SPX Series Airplanes; Docket No. 99–NM–256 (2–23/2–24)'' (RIN2120–AA64) (2000–0105), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes; Docket No. 99–NM–325 (2–24/2–28)'' (RIN2120–AA64) (2000–0112), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empressa Brasileira de Areonautica S.A. Model EMB 135 and EMB 145 Series Airplanes; Docket No. 99–NM–370 (2–24/2–28)'' (RIN2120–AA64) (2000–0113), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, –200, and 747SP Series Airplanes; Docket No. 98–NM–339 (2–22/2–24)'' (RIN2120–AA64) (2000–0101), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767–100 Series Airplanes; Docket No. 98–NM–193 (2–22/2–24)'' (RIN2120–AA64) (2000–0102), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes; Docket No. 98–NM–150 (2–23/2–24)'' (RIN2120–AA64) (2000–0107), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300–600 Series Airplanes; Docket No. 95–NM–150 (2–22/2–24)'' (RIN2120–AA64) (2000–0103), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320 and A321 Series Airplanes; Docket No. 99–NM–339 (2–24/2–28)'' (RIN2120–AA64) (2000–0117), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes; Request for Comments; Docket No. 2000–NM–51 (2–24/2–28)'' (RIN2120–AA64) (2000–0116), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace BAe Model ATP Airplanes; Docket No. 99–NM–344 (2–24/2–28)'' (RIN2120–AA64) (2000–0114), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace BAe Model ATP Airplanes; Docket No. 99–NM–344 (2–24/2–28)'' (RIN2120–AA64) (2000–0114), received February 28, 2000; 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–420. A concurrent resolution adopted by the General Assembly of the State of Iowa relative to appropriations for the United States Naval Fleet and the United States Flag Merchant Marine Fleet; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 108

Whereas, the continuing reduction of the United States armed forces is dangerously straining the ability of the United States to respond adequately to regional threats, with the United States Naval Fleet shrinking from nearly 600 ships in 1987 to less than 325 ships today; and

Whereas, the United States is currently building military ships at half the rate needed to maintain even a modest fleet, while the demands on the United States sea power forces have increased significantly since the end of the Cold War; and

Whereas, the United States is presently deploying its Navy and Marines three times as often as the United States did before the fall of the Soviet Union, while procuring fewer ships than at anytime since 1932, with the current fleet being the smallest since 1917; and

Whereas, the safety and economic prosperity of the United States are tied to the political stability of every part of the globe, and the United States faces a dangerous and challenging situation where, as the only superpower, it has an obligation to ensure that conflicts do not escalate into major military or humanitarian disasters; and

Whereas, the United States has a different and far more complex duty now than during the Cold War, and must be prepared to deploy air and sea power as well as ground troops, upon short notice; and

Whereas, because the United States has closed many military bases in the past decade, only the Naval Fleet can transport large numbers of Army and Air Force equipment, troops, and supplies around the world to support military operations that deal with threats to national security of the United States; and

Whereas, nations engaging in terrorist activities have vast supplies of chemical and biological agents, with several nations developing their own nuclear weapons; and

Whereas, the health of the economy of the United States depends on international stability as vast markets for the agricultural and manufactured products of the United States and the world's investment markets are intertwined; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Iowa General Assembly requests that the Congress of the United States, committed to the safety and economic security of the United States, authorize and appropriate sufficient funding to build at least 10 ships per year for the next decade; and be it further

Resolved, That the Iowa General Assembly call upon the Presidential candidates to express their commitment to rebuilding the United States Naval Fleet and the United States Flag Merchant Marine Fleet; and be it further

Resolved, That official copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Iowa's congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. CLELAND :

S. 2113. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Georgia; to the Committee on Governmental Affairs.

By Mr. WYDEN :

S. 2114. A bill to exempt certain entries of titanium disks from antidumping duties retroactively applied by the United States Customs Service; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. AKAKA, Mr. WYDEN, and Mr. DORGAN):

S. 2115. A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. SCHUMER):

S. 2116. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 2117. A bill to amend title 9, United States Code, with respect to consumer credit transactions; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. MCCONNELL):

S. 2118. A bill to amend Title VIII of the Elementary and Secondary Education Act of 1964 to modify the computation of certain weighted student units; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2119. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

S. 2120. A bill to amend the Elementary and Secondary Education Act of 1965 to establish teacher recruitment and professional

development programs for rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2121. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2122. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, and Mrs. FEINSTEIN):

S. 2123. A bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD):

S. 2124. A bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. LUGAR, Mr. DURBIN, and Mr. L. CHAFEE):

S. 2125. A bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 41. A joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. STEVENS, Mr. BYRD, and Mr. EDWARDS):

S. Res. 264. A resolution congratulating and thanking Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd for their tremendous leadership, poise, and dedication in leading the Special Committee on the Year 2000 Technology Problem and commending the members of the Committee for their fine work; considered and agreed to.

By Mr. TORRICELLI (for himself, Mr. REID, and Mr. ROBB):

S. Con. Res. 85. A concurrent resolution condemning the discriminatory practices prevalent at Bob Jones University; to the Committee on the Judiciary.

By Mr. DEWINE:

S. Con. Res. 86. A concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 9th and 10th Horse Cavalry Units, collectively known as the Buffalo Soldiers; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 2114. A bill to exempt certain entries of titanium disks from antidumping duties retroactively applied by the United States Customs Service; to the Committee on Finance.

LEGISLATION RELATING TO A TARIFF CLASSIFICATION

Mr. WYDEN. Mr. President, I am introducing legislation to correct a technical error made by the U.S. Customs Service, and exempt Waldron Pacific from antidumping duties which were retroactively applied by Customs to three import shipments of titanium. This bill is a companion to legislation introduced by Representative DAVID WU in the House of Representatives.

Waldron Pacific, a small business located in Lake Oswego, Oregon, is a distributor of non-ferrous alloys, such as aluminum, zinc and brass, used in the die casting and foundry industries. With just two employees, Waldron Pacific has been a very successful business operation.

When a customer of Waldron Pacific needed a certain type of titanium not available in this country, the entrepreneurial Waldron Pacific found a supplier outside the U.S., in Russia. Having no import experience, but hearing of potential antidumping duties on certain titanium products, Waldron Pacific sought a binding Classification Ruling from Customs before importing the product. Customs' Classification Ruling indicated that the proper import duty was 15%, and Waldron Pacific began importing the product to fulfill the needs of its customer. After three shipments had been imported, Customs revoked its previous Classification Ruling and applied retroactively an additional 85% antidumping duty on these shipments. The three shipments had already been imported, delivered and paid for by Waldron Pacific's customer, leaving Waldron Pacific liable to pay $42,000 in unexpected duties.

Whether or not the product should be subject to the antidumping order is not at issue nor is that the matter addressed by this legislation. The key point is that Waldron Pacific exercised due diligence in obtaining a Classification Ruling prior to importing the product, and relied upon that Classification Ruling as a basis for importing and selling the product. Even the domestic producers who are protected by the antidumping order agree that Waldron Pacific should not have to pay antidumping duties on these three shipments. Ironically, the antidumping order has since been repealed entirely. Providing Waldron Pacific relief from Customs' mistake and subsequent attempt to retroactively apply a higher tariff is a question of basic fairness.

The legislation I am introducing today would correct this technical error and exempt these import shipments from the unfair, retroactive application of antidumping duties.

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. 2114

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

SECTION 1. TREATMENT OF CERTAIN ENTRIES OF TITANIUM DISKS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 15144) or any other provision of law, the United States Customs Service shall—

(1) not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries listed in subsection (b) as exempt from antidumping duties under antidumping case number A–462–103; and

(2) not later than 90 days after such liquidation or reliquidation under paragraph (1), refund any antidumping duties paid with respect to such entries, including interest from the date of entry, if the importer of the entries files a request therefor with the Customs Service within such 90-day period.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	*Date of Entry*
EE1–0001115–8	January 26, 1995
EE1–0001313–9	June 23, 1995
EE1–0001449–1	September 25, 1995

By Mr. BAUCUS (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. AKAKA, Mr. WYDEN, and Mr. DORGAN):

S. 2115. A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments; to the Committee on Finance.

CHINA-WORLD TRADE ORGANIZATION COMPLIANCE ACT

Mr. BAUCUS. Mr. President, today, I am introducing the China WTO Compliance Act, along with Senators MURKOWSKI, BINGAMAN, AKAKA, WYDEN, and DORGAN.

This bill is designed to ensure continuous and rigorous monitoring of China's WTO commitments. It also provides new mechanisms in the Congress and in the Executive Branch to make sure that China complies with those commitments.

Twenty years of negotiations with our Asian partners have demonstrated that trade agreements are often not self-executing. This is just as true with China today as it has been with Japan over these last two decades. The Congress and the Administration must both be resolutely committed to monitoring and enforcement. Only then do our trade agreements succeed and bring the desired results. Inattention by the United States leads to inaction

by our trading partners. It leads to failure to achieve market opening objectives.

This bill will make sure that future Congresses and future Administrations, whether they are Democratic or Republican, will keep trade agreement compliance permanently at the top of the agenda with China. We must ensure that inattention never sets in. We must also ensure that other elements in the bilateral relationship not be allowed to prevent the United States from gaining the maximum trade and economic benefit from China's WTO promises.

Let me be clear that this bill is not designed to set conditions for the Congressional vote on granting China Permanent Normal Trade Relations status, PNTR. Rather, this bill addresses one of the major concerns that many in the Congress have. That is, China historical record in complying with bilateral trade agreements has been spotty. So, how can we be confident that compliance with this agreement will be any better? I hope that enactment of this bill will provide some reassurance to Senators and House members in this regard. I urge my Senate colleagues to join me in approving this legislation.

Let me outline the main provisions of the China WTO Compliance Act.

First, monitoring. The President must submit a detailed plan to Congress for monitoring Chinese compliance three months after China accedes to the WTO. The plan must be updated yearly and include detailed tasking responsibilities for each agency.

The General Accounting Office will be required annually to survey the top 50 American firms in each of five different categories. Companies that export non-agricultural goods to China. That export agricultural goods to China. That provide services in China. That invest in China. And that import goods from China. The purpose of the survey is to determine if China is abiding by its WTO commitments. The survey will also provide information about any problems confronted by those firms.

The International Trade Commission will report annually on United States-China bilateral export and import statistics. They will also, as best they can, seek to reconcile the different United States-source and China-source statistics.

The second element in the bill deals with compliance. USTR must submit an annual report to Congress on China's compliance with its WTO commitments. After analyzing this report, a majority vote of either the Finance Committee or the Ways and Means Committee would require USTR to initiate a Section 301 investigation of Chinese practices that do not abide by China's WTO commitments. If USTR then determines that China is violating any of those commitments, USTR shall initiate dispute settlement action at the WTO, unless there exists another more effective action. USTR shall consult with the Congress and provide an explanation of its action.

Going further, a majority vote of both the Finance Committee and the Ways and Means Committee will require USTR to initiate immediately a case under the dispute settlement mechanism of the WTO.

The bill also amends Section 301. It authorizes USTR to draw a negative inference if a country being investigated does not cooperate in providing information. This has become a serious problem with some of our trading partners. A 301 investigation can bog down when a country with a non-transparent trading regime refuses to provide detailed information. This provision provides an incentive for cooperation.

Third, the bill calls for a special WTO review of China. It is the Sense of the Congress that there should be a special multilateral process at the WTO for a thorough and comprehensive annual review of Chinese compliance. The bill directs USTR to propose that the Trade Policy Review Mechanism, the TPRM, at the WTO execute such a review of China's trade policies every year. It also directs USTR to take measures to improve the TPRM process.

Finally, institution-building in China. Coming out of half a century of communism, China does not have the institutions necessary to carry out fully its WTO obligations. This bill requires the President to submit a plan to provide assistance to China to build those institutions necessary to fulfill the obligations China has made as part of its accession to the WTO. The bill expresses the sense of the Congress that the United States should provide such assistance through bilateral mechanisms, in particular, through appropriate non-governmental organizations. It also provides for the possibility of some multilateral assistance under the auspices of the WTO.

Finally, because a primary beneficiary of the results of successful institution-building in China would be American business, efforts shall be made to develop cost-sharing with the private sector.

There has been a lot of talk about the need to ensure full Chinese compliance with its WTO commitments. This bill is an attempt to establish a system that will do just that. We need this legislation. And we need to pass PNTR as soon as possible.

Let me conclude with a few remarks about Chinese compliance with the Agricultural Cooperation Agreement, which went into effect in December. Three weeks ago, I initiated a letter signed by 53 Senators to Chinese President Jiang Zemin. In the letter, we insisted that China proceed with full and immediate implementation of that agreement. I was pleased to announce on Monday the first purchase by China under this agreement. 50,000 metric tons of Pacific Northwest wheat. This is an important step that should be followed by other agricultural purchases.

Mr. AKAKA. Mr. President, I rise in support of the legislation introduced today by the distinguished Senators from Montana (Mr. BAUCUS) and Alaska (Mr. MURKOWSKI) entitled the ''China-World Trade Organization Compliance Act.''

Last November, the United States and China announced that a bilateral agreement had been reached on China's accession to the World Trade Organization (WTO). The agreement covers all agricultural products, industrial goods, and service areas. It promises to open up the Chinese market to American exports and American investment.

Nevertheless, many Americans are hesitant at embracing this accord. Part of their concern is over the requirement that in order for the United States to benefit fully from this agreement. Congress will have to pass legislation granting permanent Normal Trade Relations (NTR) status to China. Previously known as Most-Favored-Nation (MFN) trading status, NTR has been subject to an annual renewal vote each year in the Congress. This yearly vote has allowed for a full airing of American concerns over relations with China—relations which remain contentious to this day because of the Chinese government's human rights behavior, proliferation activities, trade policy, and relations with its neighbors, most especially Taiwan.

I cannot predict the result of the vote later this year on granting China permanent NTR.

I do know that a Congressional vote against China will not necessarily prevent China from joining the WTO if it concludes successfully its accession agreements with other WTO members. China still has to resolve issues with the European Union and then have its accession approved by the WTO General Council/Ministerial Conference. But I think it is reasonable to assume that later this year China will join the WTO whether or not the United States grants permanent NTR.

In light of this possibility, the legislation proposed today by my colleagues, and which I am pleased to cosponsor, is a reasonable and prudent step to take in order to ensure that the agreements which China commits to in joining the WTO are ones which China will fulfill.

The history of Chinese compliance with international agreements has not been as good as it should be. In particular, China has not successfully implemented the commitments it made in March 1995 to protect American intellectual property rights. Intellectual piracy remains a major threat to the American music, cinema, and computer software industries. The Chinese government has demonstrated an impressive ability to arrest and intimidate massive numbers of Falun Gong followers but seems unable to locate factories mass producing thousands of counterfeit CDs, videos, and computer software. Clearly, where there is a will, there is a way for the Chinese government.

In addition, the Chinese government has proven itself very adept at protecting its domestic market from foreign goods and investment, devising formal and informal barriers to trade. The concept of transparency in Chinese trade law leaves much to be desired. An October 1992 market access agreement between the United States and China has yet to be fully implemented with China eliminating some barriers while imposing new ones.

The pattern of past Chinese behavior to international trading agreements suggest that we must be vigilant in ensuring compliance with the WTO accession agreement.

The legislation we offer today is a significant step towards ensuring that China's promises are fulfilled. The bill establishes a process within the United States government for monitoring Chinese compliance with its WTO commitments. The monitoring would occur regardless of whether or not the United States grants permanent NTR to China, although surely it would have more effect if we do grant this to China.

We have lacked a process, and an agency, within the United States government with the mandate, the expertise, institutional memory, and the resources to ensure that the promise of bilateral and multilateral trade agreements are fulfilled. This legislation is a major step in starting the debate on how to ensure that promises made are promises kept.

As ranking member of the International Security, Proliferation And Federal Services Subcommittee of the Governmental Affairs Committee, I am keenly interested in the implications of the legislation for the organization of our government's trade agencies. There are several areas where I would like to work with the legislation's authors to refine their proposal. I believe that it might be appropriate to designate the United States Trade Representative's Office as the lead agency working with other agencies to monitor compliance. I intend to study further the best means for ensuring the effectiveness of this legislation.

I believe it also important that public participation in commenting on China's compliance should not be limited to business groups but include environmental, labor, and human rights organizations. The climate affecting the world economy is not solely determined by the financial bottom line.

This legislation is an important step towards a trade environment which benefits the many, not the few, and I am pleased to cosponsor it.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. SCHUMER):

S. 2116. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TEACHER CORPS

• Mr. WELLSTONE. Mr. President, if there is one thing we all can agree on in education, it is that teacher quality is absolutely critical to how well children learn. Yet, the nation confronts one of the worst teacher shortages in history. With expanding enrollment, decreasing class size and one third of the nation's teachers nearing retirement age, public schools will need to hire as many as 2.2 million teachers over the next decade.

The need is greatest in specific subject areas such as mathematics, science, special education and bilingual education, all important subjects if the nation is to have an educated work force to keep it competitive in the world marketplace.

Need is also greatest in specific geographical areas such as the inner city and rural areas. Ironically, it is the most educationally and socio-economically disadvantaged students that are under served. If there is one action we can take guaranteed to help struggling schools and children, it is to provide states and school districts the means to ensure that there is a highly qualified teacher in every classroom.

My legislation, Teacher Corps, which I am proud to introduce today with my colleagues, Senators KENNEDY and SCHUMER, who for so long have fought to bring the best possible educational opportunities to all of America's children, is designed to do just that. Its components are based on a definite need and sound research concerning effective mechanisms for meeting that need.

Teacher Corps would fund collaboratives between state education agencies, local education agencies and institutions of higher education.

The collaboratives would recruit top ranked college students and qualified mid career individuals, who have not yet been trained as teachers, to teach in the nation's poorest schools in the areas of greatest need—both geographically and academically. Districts and universities would work together to only recruit candidates who have an academic major or extensive and substantive professional experience in the subject in which they will teach.

The collaboratives would provide recruits a tuition free alternative route to certification which includes intensive study and a teaching internship. The internship would include mentoring, co-teaching and advanced course work in pedagogy, state standards, technology and other areas.

After the internship period, the collaboratives would offer individualized follow up training and mentoring in the first two years of full time teaching.

Corps members that become certified will be given priority in hiring within that district in exchange for a commitment to teach in low income schools for 3 years.

A good teacher can mean the world to any child whether it is through caring or through providing children with the skills they need to open their own doors to the future. Every time I enter schools in Minnesota, I am in awe of teachers' work.

That is why it is so tragic to think that there are so many children that do not have access to qualified teachers, at the same time that many people interested in teaching are either not entering the profession or are not staying there once they have qualified.

Teacher Corps will help meet the growing need for teachers in low income urban and rural schools, and in high need subject areas such as math, science, bilingual and special education.

It will do so because Teacher Corps is rooted in three fundamental parts. Recruitment, retention and innovative, flexible, high quality training programs for college graduates and mid-career professionals who want to teach in high need areas.

The first principle is recruitment. As I mentioned before, we may need to hire as many as 2.2 million new teachers in the next decade to ensure that there are enough teachers in our schools. But, overall quantity is not the only issue. Quality and shortages in specific geographic and curriculum areas are equally critical. While there are teacher surpluses in some areas, certain states and cities are facing acute teacher shortages. In California, 1 out of every 10 teachers lacks proper credentials. 58 percent of new hires in Los Angeles are not certified.

There are also crucial shortages in some subject areas such as math, science, bilingual and special education. In my home state of Minnesota, 90 percent of principals report a serious shortage of strong candidates in at least one curriculum area. 54 percent of the mathematics teachers in the state of Idaho and 48 percent of the science teachers in Florida and Tennessee did not major in the subject of their primary assignment.

Teacher Corps would meet this need because it would recruit and train thousands of high quality teachers into the field to meet the specific teaching needs of local school districts.

It would recruit and train top college students and mid-career professionals from around the country, who increasingly want to enter the teaching profession.

More college students want to enter teaching today than have wanted to join the profession in the past 30 years. According to a recent UCLA survey, over 10 percent of all freshman say they want to teach in elementary and secondary schools.

Second, the design of the program ensures that the needs of local school districts will be considered so that only those candidates who meet the specific needs of that district will be recruited and trained. If, for example, there is a shortage of special education, bilingual, math and science teachers in a particular district, Teacher Corps

would only train people with those skills. In setting up collaboratives in this way, teacher corps helps avoid the overproduction of candidates in areas where they are not needed.

Finally, Teacher Corps gives priority to high need rural, inner suburban and urban districts to ensure that new teachers will enter where they are needed most.

However, it does not help to recruit teachers into high need schools and train them if we cannot retain them in the profession. Teaching is one of the hardest, most important jobs there is. We ask teachers to prepare our children for adulthood. We ask them to educate our children so that they may be productive members of society. We entrust them with our children's minds and with their future. It is a disgrace how little support we give them in return. It is no surprise that one of the major causes of our teacher shortage is that teachers decide to change professions before retirement. 73 percent of Minnesota teachers who leave the profession, leave for reasons other than retirement. In urban schools, 50 percent of teachers leave the field within five years of when they start teaching.

To retain high quality teachers in the profession, we must give teachers the support they deserve. Teachers, like doctors need monitoring and support during the first years of their professional life. Teacher Corps offers new teachers the training, monitoring and support they need to meet the profession's many challenges. It includes methods of support that have proven effective in ensuring that teachers stay in schools. The key elements for effective teacher retention were laid out by the National Commission on Teaching and America's Future in 1996. Effective programs organize professional development around standards for teachers and students; provide a year long, preservice internship; include mentoring and strong evaluation of teacher skills; offer stable, high quality professional development.

Each of these criteria are included in the Teacher Corps program.

Further, Teacher Corps supports people who choose teaching by paying for their training. Through this financial and professional support, Teacher Corps will go a long way toward keeping recruits in teaching.

But, it is still not enough to recruit and retain teachers. Quality must be of primary importance. Research shows that the most important predictor of student success is not income, but the quality of the teacher. Despite this need, studies show that as the level of students of color and students from low-income families increases in schools, the test scores of teachers declines.

This is wrong. We are denying children from low-income areas, from racial minorities, with limited English proficiency, access to what we know works. Several studies have shown that if poor and minority students are taught by high quality teachers at the same rate as other students, a large part of the gap between poor and minority students and their more affluent white counterparts would disappear. For example, one Alabama study shows that an increase of one standard deviation in teacher test scores leads to a two-thirds reduction in the gap between black/white tests scores.

We can not turn our back on this knowledge. We must act on it. We must give low income, minority and limited English proficiency children the same opportunities that all children have and we must do it now.

The very essence of Teacher Corps is to funnel high quality teachers where they are needed most. Teacher Corps would help ensure quality by using a selective, competitive recruitment process. It would provide high quality training, professional development, monitoring and evaluations of corps member performance, all of which have been proven to increase the quality of the teaching force and the achievement of the students they teach.

Further, by creating strong connections between universities and districts and by implementing effective professional development projects within districts, we are setting up powerful structures to benefit all teachers and students.

Mr. President, we have an opportunity to do what we know works to help children who need our help most. Good teachers have an extraordinary impact on children's lives and learning. We need to be sure that all children have access to such teachers and all children have the opportunity to learn so that all children may take advantage of the many opportunities this country provides.●

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 2117. A bill to amend title 9, United States Code, with respect to consumer credit transaction; to the Committee on the Judiciary.

● Mr. FEINGOLD. Mr. President, today I introduce the Consumer Credit Fair Dispute Resolution Act of 2000, a bill that will protect and preserve American consumers' right to take their disputes with creditors to court. This bill is identical to an amendment that I offered recently to the bankruptcy reform bill.

In recent years, credit card companies and consumer credit lenders are increasingly requiring their customers to use binding arbitration when a dispute arises. Consumers are barred by contract from taking a dispute to court, even small claims court. While arbitration can be an efficient tool to settle claims, it is credible and effective only when consumers enter into it knowingly, intelligently and voluntarily. Unfortunately, that's not happening in the credit card and consumer credit lending arenas.

One of the most fundamental principles of our justice system is the constitutional right to take a dispute to court. Indeed, all Americans have the right in civil and criminal cases to a trial by jury. The right to a jury trial in criminal cases is contained in the Sixth Amendment to the Constitution. The right to a jury trial in civil cases is contained in the Seventh Amendment, which provides ''In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . .''

Some argue that Americans are overusing the courts. Court dockets across the country are congested with civil cases. In part as a response to these concerns, various ways to resolve disputes have been developed, short of going to court. Alternatives to court litigation are collectively known as alternative dispute resolution, or ADR. ADR includes mediation and arbitration. Mediation and arbitration are often efficient ways to resolve disputes because the parties can have their case heard well before they would have received a trial date in court.

Mediation is conducted by a neutral third party—the mediator—who meets with the opposing parties to help them find a mutually satisfactory solution. Unlike a judge in a courtroom, the mediator has no power to impose a solution. No formal rules of evidence or procedure control mediation; the mediator and the parties mutually agree on the best way to proceed.

Arbitration also involves a third party—an arbitrator or arbitration panel. Unlike mediation but similar to a court proceeding, the arbitrator issues a decision after reviewing the arguments by all parties. Arbitration uses rules of evidence and procedure, although it may use rules that are simpler or more flexible than the evidentiary and procedural rules that the parties would follow in a court proceeding.

Arbitration can be either binding or non-binding. Non-binding arbitration means that the decision issued by the arbitrator or arbitration panel takes effect only if the parties agree to it after they know what the decision is. In binding arbitration, parties agree in advance to accept and abide by the decision, whatever it is.

Some contracts contain clauses that require arbitration to be used to resolve disputes that arise after the contract is signed. This is called ''mandatory arbitration.'' This means that if there is a dispute, the complaining party cannot file suit in court and instead is required to pursue arbitration. ''Mandatory, binding arbitration'' therefore means that under the contract, the parties must use arbitration to resolve a future disagreement and the decision of the arbitrator or arbitration panel is final. The parties have no ability to seek relief in court or through mediation. In fact, if they are not satisfied with the arbitration outcome, they are probably stuck with the decision.

Under mandatory, binding arbitration, even if a party believes that the arbitrator did not consider all the facts or follow the law, the party cannot file a suit in court. The only basis for challenging a binding arbitration decision is if there is reason to believe that the arbitrator committed actual fraud. In contrast, if a dispute is resolved by a court, the parties can potentially pursue an appeal of the lower court's decision.

Mr. President, because mandatory, binding arbitration is so conclusive, it can be a credible means of dispute resolution only when all parties understand the full ramifications of agreeing to it.

But that's not what's happening in a variety of contexts—from motor vehicle franchise agreements, to employment agreements, to credit card agreements. I'm proud to have sponsored legislation addressing employment agreements and motor vehicle franchise agreements. In fact, I am the original cosponsor with my distinguished colleague from Iowa, Senator GRASSLEY, of S. 1020, which would prohibit the unilateral imposition of mandatory, binding arbitration in motor vehicle dealership agreements with manufacturers. Many of our colleagues have joined us as cosponsors.

Similar to the problem in the motor vehicle dealership franchise context, there is a growing, menacing trend of credit card companies and consumer credit lenders inserting mandatory, binding arbitration clauses in agreements with consumers. Companies like First USA Bank, American Express and Green Tree Discount Company unilaterally insert mandatory, binding arbitration clauses in their agreements with consumers, often without the consumer's knowledge or consent.

The most common way credit card companies have done this is through the use of a ''bill stuffer.'' Bill stuffers are the advertisements and other materials that credit card companies insert into envelopes with their customers' monthly statements. Some credit card issuers like American Express have placed fine print mandatory arbitration clauses in bill stuffers. The arbitration provision is usually buried in fine print in a mailing that includes a bill and various advertising materials. It is often described in a lengthy legal document that most consumers probably don't even skim, much less read carefully.

American Express issued its mandatory arbitration provision last year. It took effect on June 1st. So, if you're an American Express cardholder and you have a dispute with American Express, as of June 1999, you can't take your claim to court, even small claims court. You are bound to use arbitration, and you are bound to the final arbitration decision. In this case, you are also bound to use an arbitration organization selected by American Express, the National Arbitration Forum.

American Express isn't the only credit card company imposing mandatory arbitration on its customers. First USA Bank, the largest issuer of Visa cards, with 58 million customers, has been doing the same thing since 1997. First USA also alerted its cardholders with a bill stuffer, containing a condensed set of terms and conditions in fine print. The cardholder, by virtue of continuing to use the First USA card, gave up the right to go to court, even small claims court, to resolve a dispute.

Mr. President, this growing practice extends beyond credit cards into the consumer loan industry. Consumer credit lenders like Green Tree Consumer Discount Company are inserting mandatory, binding arbitration clauses in their loan agreements. The problem is that these loan agreements are usually adhesion contracts, which means that consumers must either sign the agreement as is, or forego a loan. In other words, consumers lack the bargaining power to have the clause removed. More importantly, when signing on the dotted line of the loan agreement, consumers may not even understand what mandatory arbitration means. In all likelihood, they do not understand that they have just signed away a right to go to court to resolve a dispute with the lender.

It might be argued that if consumers are not pleased with being subjected to a mandatory arbitration clause, they can cancel their credit card, or not execute on their loan agreement, and take their business elsewhere. Unfortunately, that's easier said than done. As I mentioned, First USA Bank, the nation's largest Visa card issuer, is part of this questionable practice. In fact, the practice is becoming so pervasive that consumers may soon no longer have an alternative, unless they forego use of a credit card or a consumer loan entirely. Consumers should not be forced to make that choice.

Companies like First USA, American Express and Green Tree argue that they rely on mandatory arbitration to resolve disputes faster and cheaper than court litigation. The claim may be resolved faster but is it really cheaper? Is it as fair as a court of law? I don't think so. Arbitration organizations often charge exorbitant fees to the consumer who brings a dispute—often an initial filing fee plus hourly fees to the arbitrator or arbitrators involved in the case. These costs can be much higher than bringing the matter to small claims court and paying a court filing fee.

For example, the National Arbitration Forum, the arbitration entity of choice for American Express and First USA charges fees that are likely greater than if the consumer brought a dispute in small claims court. For a claim of less than $1,000, the National Arbitration Forum charges the consumer a $49 filing fee. In contrast, a consumer can bring the same claim to small claims court here in the District of Columbia for a filing fee of no more than $10. In other words, the consumer pays a fee to the National Arbitration Forum that is nearly five times more than the fee for filing a case in small claims court.

That's bad enough, but some other arbitration firms are even more expensive. The American Arbitration Association charges a $500 filing fee for claims of less than $10,000, or more if the claim exceeds $10,000, and a minimum filing fee of $2,000 if the case involves three or more arbitrators. In addition to the filing fee, it also charges a hearing fee for holding hearings other than the initial hearing—$150 to be paid by each party for each day of hearings before a single arbitrator, or $250 if the hearing is held before an arbitration panel. The International Chamber of Commerce requires a $2,500 administrative fee plus an arbitrator's fee of at least $2,500, if the claim is less than $50,000. These fees are greater if the claim exceeds $50,000. The fees could very well be greater than the consumer's claim. So, as you can see, a consumer's claim is not necessarily resolved more efficiently with arbitration. It is resolved either at greater cost to the consumer or not at all, if the consumer cannot afford the costs, or the costs outweigh the amount in dispute.

Another significant problem with mandatory, binding arbitration is that the lender gets to decide in advance who the arbitrator will be. In the case of American Express and First USA, they have chosen the National Arbitration Forum. All credit card disputes with consumers involving American Express or First USA are handled by that entity. There would seem to be a significant danger that this would result in an advantage for the lenders who are ''repeat players.'' After all, if the National Arbitration Forum develops a pattern of reaching decisions that favor cardholders, American Express or First USA may very well decide to take their arbitration business elsewhere. A system where the arbitrator has a financial interest in reaching an outcome that favors the credit card company is not a fair alternative dispute resolution system.

There has been one important court decision on the enforceability of mandatory arbitration provisions in credit card agreements. The case arose out of a mandatory arbitration provision announced in mailings to Bank of America credit card and deposit account holders. In 1998, the California Court of Appeals ruled that the mandatory arbitration clauses unilaterally imposed on the Bank's customers were invalid and unenforceable. The California Supreme Court refused to review the decision of the lower court. As a result, credit card companies in California cannot invoke mandatory arbitration in their disputes with customers. In fact, the American Express bill stuffer notes that the mandatory, binding arbitration provision will not apply to California residents until further notice from the company. The California appellate court decision was wise and

well-reasoned, but consumers in other states cannot be sure that all courts will reach the same conclusion.

My bill extends the wisdom of the California appellate decision to every credit cardholder and consumer loan borrower. It amends the Federal Arbitration Act to invalidate mandatory, binding arbitration provisions in consumer credit agreements. Now, let me be clear. I believe that arbitration can be a fair and efficient way to settle disputes. I agree we ought to encourage alternative dispute resolution. But I also believe that arbitration is a fair way to settle disputes between consumers and lenders only when it is entered into knowingly and voluntarily by both parties to the dispute after the dispute has arisen. Pre-dispute agreements to take disputes to arbitration cannot be voluntary and knowing in the consumer lending context because the bargaining power of the parties is so unequal. My bill does not prohibit arbitration of consumer credit transactions. It merely prohibits mandatory, binding arbitration provisions in consumer credit agreements.

Credit card companies and consumer credit lenders are increasingly slamming the courthouse doors shut on consumers, often unbeknownst to them. This is grossly unjust. We need to restore fairness to the resolution of consumer credit disputes. I urge my colleagues to support the Consumer Credit Fair Dispute Resolution Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The bill follows:

S. 2117

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 ''Consumer Credit Fair Dispute Resolution Act of 2000''.

SEC. 2. CONSUMER CREDIT TRANSACTIONS.

(a) DEFINITION.—Section 1 of title 9, United States Code, is amended—

(1) in the section heading, by striking ''**and 'commerce' defined**'' and inserting ''**, 'commerce', 'consumer credit transaction', and 'consumer credit contract' defined**''; and

(2) by inserting before the period at the end the following: ''; 'consumer credit transaction', as herein defined, means the right granted to a natural person to incur debt and defer its payment, where the credit is intended primarily for personal, family, or household purposes; and 'consumer credit contract', as herein defined, means any contract between the parties to a consumer credit transaction.''.

(b) AGREEMENTS TO ARBITRATE.—Section 2 of title 9, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a written provision in any consumer credit contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of the contract, or the refusal to perform the whole or any part thereof, shall not be valid or enforceable. Nothing in this section shall prohibit the enforcement of any written agreement to settle by arbitration a controversy arising out of a consumer credit contract, if such written agreement has been entered into by the parties to the consumer credit contract after the controversy has arisen.''.●

By Mr. CRAPO (for himself and Mr. MCCONNELL):

S. 2118. A bill to amend Title VIII of the Elementary and Secondary Education Act of 1964 to modify the computation of certain weighted student units; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2119. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

S. 2120. A bill to amend the Elementary and Secondary Education Act of 1965 to establish teacher recruitment and professional development programs for rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2121. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2122. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

IMPACT AID LEGISLATION

Mr. CRAPO. Mr. President, I rise today in support of the reauthorization of the Elementary and Secondary Education Act (ESEA) and am pleased to be introducing five bills that will benefit teachers and students all across this Nation. Collectively, these measures create a package of fundamental reform to the ESEA bill. These pieces of legislation complement existing programs that have proven to work successfully in schools and they provide assistance and support in areas where educators have expressed the greatest need. And these measures represent my commitment to improving the quality of education so that all of our children can achieve their greatest potential.

First, I am introducing a measure to strengthen the Federal Impact Aid program. Specifically, my bill, which is supported by the National Association of Federally Impacted Schools, recommends increasing the weighted Federal student units for off-base military children and for civilian dependent children. Knowing that Impact Aid funds help 1.6 million federally-connected children, as well as 1,600 school districts serving over 17 million students, I am confident that my colleagues in the Senate support increases in funding for the Impact Aid program. But some of them may not be familiar with the formulas by which these funds are distributed to schools. Changing the computation of repayment will assure that funds will be distributed in a more equitable manner, reflecting the composition of local education agencies.

The simple changes, which I am proposing, will benefit children in schools where the loss of local property taxes due to a large Federal presence has placed an extra burden on local taxpayers. We must make up the difference for all the children in the Impact Aid program, not just a select few.

The second bill that I am proposing would build on the strong educational technology infrastructure already in place in school districts in nearly every state. As you know, education technology can significantly improve student achievement. Congress has recognized this fact by continually voting to dramatically increase funding for education technology. In fact, in just the programs under ESEA, federal support has grown from $52.6 million in Fiscal Year 1995, to $698 million just four years later.

But we need to do more than simply place computers in classrooms. We need to provide our educators with the skills they need to incorporate evolving educational technology in the classroom. My bill does exactly that. It will encourage states to develop and implement professional development programs that train teachers in the use of technology in the classroom. Effective teaching strategies must incorporate educational technology if we are to ensure that all children have the skills they need to compete in a high-tech workplace. An investment in professional development for our teachers is an investment in our children and our future.

Third, continuing on the lines of professional development, I am introducing a bill that outlines the essential components of mentoring programs that would improve the experience of new teachers and reduce the high turnover currently seen among beginning teachers. My legislation will ensure program quality and accountability by providing that teachers mentor their peers who teach the same subject. The mentoring programs that are created in this legislation must comply with state standards. Additionally, the bill will provide incentives, and grant states the flexibility to create alternative teacher certification and licensure programs, to recruit well-educated and talented people into the teacher profession.

The recruitment and retention of good teachers is paramount to improving our national education system. Mentor programs provide teachers with the support of a senior colleague. And under the supervision and guidance of a colleague, teachers are able to develop skills and achieve a higher level of proficiency. The confidence and experience gained during this time will improve the quality of instruction, which in turn will improve overall student achievement.

Fourth, attracting and retaining quality teachers is a difficult task, especially in rural impoverished areas. As a result, teacher shortages and high turnover are commonplace in rural

communities in almost every state in the nation. The fourth education bill I am introducing today would allow the Secretary of Education to direct a portion of the general funds in ESEA to rural impoverished areas. Under this proposal, a needy rural school district could prevent the exodus of qualified teachers by first creating incentive programs to retain teachers; second, improve the quality of the teacher through enhanced professional development; and, third, hire new teachers. This bill recognizes the unique challenges facing rural school districts and allows them the option of addressing these challenges.

The final bill, is the only one being introduced today with an authorization for appropriation. It makes Federal grant programs more flexible in order to help school districts in rural communities. Under this provision, districts would be able to combine the funds from specified programs and use the money to support local or statewide education reform efforts intended to improve the achievement of elementary school and secondary school students and the quality of instruction provided. This measure asks for an authorization of $125 million for small rural and poor rural schools—a small price that could produce large results.

The goal of these bills, which I have briefly outlined, are threehold: 1) to provide teachers with the tools to grow as professionals; 2) to assist rural school districts so that they may compete competitively with other school districts that oftentimes have more money and resources; and, (3) to provide every child with unsurpassed education opportunities. Together, these are the keys to our children's success.

In reauthorizing ESEA, Congress has an extraordinary opportunity to change the course of education. We must embrace this opportunity by supporting creative and innovative reform proposals, like the ones that I have introduced here today. I am committed to working in the best interest of our children to develop an education system that is the best in the world. These bills move us in the right direction and I hope my colleagues will join me in supporting these measures. I urge the Senate Health, Education, Labor, and Pensions Committee to incorporate these provisions into the upcoming ESEA bill.

By Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, and Mrs. FEINSTEIN):

S. 2123. A bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

CONSERVATION AND REINVESTMENT ACT OF 1999

Ms. LANDRIEU. Mr. President, on Thursday February 17th, the House Resources Committee filed their report on a historic piece of legislation, the Conservation and Reinvestment Act, H.R. 701 which would reinvest a portion of offshore oil and gas revenues in coastal conservation and impact assistance programs,the Land and Water Conservation Fund, wildlife conservation, historic treasures and outdoor recreation. This remarkable compromise was developed by Congressmen DON YOUNG, GEORGE MILLER, BILLY TAUZIN, JOHN DINGELL, CHRIS JOHN, BRUCE VENTO, and TOM UDALL and was passed by the House Resources Committee by a vote of 37–12 on November 10, 1999. To date, the bill has accumulated over 300 co-sponsors. Hopefully, this legislation will be considered by the full House sometime this Spring.

The H.R. 701 compromise is a companion to the Senate version of the Conservation and Reinvestment Act, S. 25. Today I would like to acknowledge the remarkable work done by Mr. YOUNG, Mr. MILLER, Mr. TAUZIN, Mr. DINGELL, Mr. JOHN, Mr. VENTO, and Mr. UDALL as I, along with Senators MURKOWSKI, LOTT, BREAUX and FEINSTEIN introduce the H.R. 701 compromise in the Senate. While I would like to take a moment to note that there are some provisions of S. 25 that I along with several other co-sponsors strongly believe need to be incorporated into H.R. 701, today I am introducing the exact version that the House Resources Committee reported out on February 17th.

This compelling and balanced bi-partisan proposal: will provide a fair share of funding to all coastal states, including producing states; is free of harmful environmental impacts to coastal and ocean resources; does not unduly hinder land acquisition yet acknowledges Congress' role in making these decisions; reflects a true partnership among federal, state and local governments and reinvests in the renewable resource of wildlife conservation through the currently authorized Pittman-Robertson program by nearly doubling the Federal funds available for wildlife conservation and education programs.

This legislation provides $2.8 billion for seven district reinvestment programs. Title I authorizes $1 billion for Impact Assistance and Coastal Conservation by creating a revenue sharing and coastal conservation fund for coastal states and eligible local governments to mitigate the various impacts of OCS activities while providing funds for the conservation of our coastal ecosystems. In addition, the funds of Title I will support sustainable development of nonrenewable resources without providing incentives for new oil and gas development. All coastal states and territories will benefit from coastal impact assistance under this legislation, not just those states that host federal OCS oil and gas development. Title II guarantees stable and annual funding for the state and federal sides of the Land and Water Conservation Fund (LWCF) at its authorized $900 million level while protecting the rights of private property rights owners. The bill will restore Congressional intent with respect to the LWCF, the goal of which is to share a significant portion of revenues from offshore development with the states to provide for protection and public use of the natural environment. Title III establishes a Wildlife Conservation and Restoration Fund at $350 million through the successful program of Pittman-Robertson by reinvesting the development of nonrenewable resources into a renewable resource of wildlife conservation and education. This new source of funding will nearly double the Federal funds available for wildlife conservation. This program enjoys a great deal of support and would be enhanced without imposing new taxes. Title IV provides $125 million for the Urban Parks and Recreation Recovery program through matching grants to local governments to rehabilitate and develop recreation programs, sites and facilities. The Urban Parks and Recreation program would enable cities and towns to focus on the needs of its populations within our more densely inhabited areas with fewer greenspaces, playgrounds and soccer fields for our youth. Stable funding will provide greater revenue certainty to state and local planning authorities. Title V provides $100 million for a Historic Preservation Fund through the programs of the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places and administering numerous historic preservation programs. Title VI provides $200 million for Federal and Indian Lands Restoration through a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation and protect public health and safety. Title VII provides $150 million for Conservation Easements and Species Recovery through annual and dedicated funding for conservation easements and funding for landowner incentives to aid in the recovery of endangered and threatened species. Finally, there is up to $200 million available for the Payment In-Lieu of Taxes (PILT) program through the annual interest generated from the CARA fund.

The time has come to take the proceeds from a non-renewable resource for the purpose of reinvesting a portion of these revenues in the conservation and enhancement of our renewable resources. To continue to do otherwise, as we have over the last fifty years, is fiscally irresponsible. I want to thank the chairman of the Senate Energy Committee, Senator MURKOWSKI, the majority leader, Senator LOTT, my colleague from Louisiana, Senator BREAUX as well as the other co-sponsors of S. 25 for all their continued

support and efforts in attempting to enact what may well be the most significant conservation effort of the century. I look forward to continue working with the other members of the Energy Committee on this legislation this year so that we may reach a compromise and give the country a true legacy for generations to come.

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. 2123

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 ''Conservation and Reinvestment Act of 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term ''coastal political subdivision'' means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term ''coastal State'' has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term ''coastline'' has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term ''distance'' means minimum great circle distance, measured in statute miles.

(6) The term ''fiscal year'' means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term ''Governor'' means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term ''leased tract'' means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of the area of ''lands beneath navigable waters'' as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term ''political subdivision'' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term ''producing State'' means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term ''qualified Outer Continental Shelf revenues'' means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term ''Secretary'' means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term ''Fund'' means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from

the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the ''Conservation and Reinvestment Act Fund''. In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $150,000,000 to the Secretary of the Interior to carry out title VII of this Act with (A) $100,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle A of title VII and (B) $50,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle B of title VII.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (7) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31 of the United States Code (relating to PILT), and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraph (A) and (B) in proportion to the amounts authorized and appropriated for that fiscal year under other provisions of law for purposes of such programs.

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, such refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DISBURSEMENTS.

Notwithstanding any other provision of law, the receipts and disbursements of funds under this Act and the amendments made by this Act—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 8. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 9. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive any funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program. In order for the Secretary to provide funding under this Act in a timely manner each fiscal year, the Secretary shall compare a State or local government's prospective expenditure level to that of its second preceding fiscal year.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the State or local government.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 10. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 11. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 12. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of any leased tract.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 8, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 1999.''.

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 4601–6) is amended to read as follows:

''APPROPRIATIONS

''SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

''(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.''.

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601–7) is amended to read as follows:

''ALLOCATION OF FUNDS

''SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

''(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

''(2) 50 percent shall be available for grants to States.''.

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601–9) is amended by adding at the end the following:

''(d) USE OF FEDERAL PORTION.—

''(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

''(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

''(A) the owner of the property concurs in the acquisition; or

''(B) acquisition of that property is specifically approved by an Act of Congress.

''(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

''(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress. This list shall include an inventory of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture for which there is no demonstrated compelling program need.

''(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

''(B) In preparing each list, the Secretary shall—

''(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

''(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

''(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

''(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

''(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

''(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list shall include, for each proposed acquisition included in the list—

''(A) citation of the statutory authority for the acquisition, if such authority exists; and

''(B) an explanation of why the particular interest proposed to be acquired was selected.

''(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e) for the fiscal year, provides notice of the proposed acquisition—

''(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

''(A) the land; or

''(B) any part of any federally designated unit that includes the land;

''(2) in writing to the Governor of the State in which the land is located;

''(3) in writing to each State political subdivision having jurisdiction over the land; and

''(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

''(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

''(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

''(A) All actions required under Federal law with respect to the acquisition have been complied with.

''(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

''(C) A notice of the availability of such statement or assessment and of such summary is provided to—

''(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

''(ii) the Governor of the State in which the land is located; and

''(iii) each State political subdivision having jurisdiction over the land.

''(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.''.

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended to read as follows:

''(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

''(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

''(A) 30 percent shall be apportioned equally among the several States; and

''(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

''(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

''(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal

years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

''(5)(A) For the purposes of paragraph (2)(A)—

''(i) the District of Columbia shall be treated as a State; and

''(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

''(I) shall be treated collectively as one State; and

''(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

''(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.''.

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 4601–8(b)(5)) is further amended by adding at the end the following new subparagraph:

''(C) For the purposes of paragraph (1), all federally recognized Indian tribes and Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes and Native Corporations shall be equivalent to the amount available to a single State. No single tribe or Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe or Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).''.

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended by adding at the end the following:

''(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.''.

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

''(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process and publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 1999, a State Action Agenda that meets the following requirements:

''(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 4 years.

''(B) The agenda must be updated at least once every 4 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

''(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.''.

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking ''State comprehensive plan'' and inserting ''State Action Agenda''.

(2) In paragraph (1) by striking ''comprehensive plan'' and inserting ''State Action Agenda''.

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

(1) in subsection (e)(1) by striking '', but not including incidental costs relating to acquisition''; and

(2) in subsection (e)(2) by inserting before the period at the end the following: ''or to enhance public safety within a designated park or recreation area''.

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)(3)) is amended—

(1) by inserting ''(A)'' before ''No property''; and

(2) by striking the second sentence and inserting the following:

''(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.''.

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

''WATER RIGHTS

''SEC. 14. Nothing in this title—

''(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

''(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

''(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

''(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.''.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term ''Federal Aid in Wildlife Restoration Act'' means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after ''shall be construed'' the first place it appears the following: ''to include the wildlife conservation and restoration program and''.

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting ''or State fish and wildlife department'' after ''State fish and game department''.

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: ''the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department

and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.''.

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting ''(1)'' after ''(a)'', and by adding at the end the following:

''(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 1999 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.''; and

(2) by adding at the end the following:

''(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

''(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

''(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 1999; or

''(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

''(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.''.

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

''(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

''(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

''(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

''(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

''(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

''(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

''(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

''(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

''(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

''(B) provisions for the development and implementation of—

''(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

''(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

''(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

''(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

''(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

''(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

''(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: ''Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.''.

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

''TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

''SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

''(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

''(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

''(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

''(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

''(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.''.

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting ''development of new recreation areas and facilities, including the acquisition of lands for such development,'' after ''rehabilitation of critically needed recreation areas, facilities,''.

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking ''and'' after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

''(l) 'development grants'—

''(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

''(2) does not include routine maintenance, and upkeep activities; and

''(m) 'Secretary' means the Secretary of the Interior.''.

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

''(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

''(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

''(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

''(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.''.

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

''GRANTS

''SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

''(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

''(A) such transfer is consistent with the approved application for the grant; and

''(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

''(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.''.

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting ''development,'' after ''commitments to ongoing planning,''; and

(2) in subsection (a)(2) by inserting ''development and'' after ''adequate planning for''.

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

''(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

''(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.''.

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

''CONVERSION OF RECREATION PROPERTY

''SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

''(2) Paragraph (1) shall apply to—

''(A) property developed with amounts provided under this title; and

''(B) the park, recreation, or conservation area of which the property is a part.

''(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

''(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

''(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

''(1) of at least equal fair market value, or reasonably equivalent usefulness and location; and

''(2) in accord with the current recreation recovery action plan of the grantee.''.

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting ''(a)'' before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

''(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation, in that fiscal year, to carry out this Act.

''(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.''.

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

''SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

''In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.''.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of

this Act in a fiscal year shall be available without further appropriation, in that fiscal year, to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VII—CONSERVATION EASEMENTS AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Conservation Easements

SEC. 701. PURPOSE.

The purpose of this subtitle is to provide a dedicated source of funding to the Secretary of the Interior for programs to provide matching grants to certain eligible entities to facilitate the purchase of permanent conservation easements in order to—

(1) protect the ability of these lands to maintain their traditional uses; and

(2) prevent the loss of their value to the public because of development that is inconsistent with their traditional uses.

SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(A) in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 703. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

The Secretary of the Interior may use the amounts available under section 702 for the Conservation Easement Program established by section 704.

SEC. 704. CONSERVATION EASEMENT PROGRAM.

(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary the Interior shall establish and carry out a program, to be known as the ''Conservation Easement Program'', under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements in land with prime, unique, or other productive uses.

(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means any of the following:

(1) An agency of a State or local government.

(2) A federally recognized Indian tribe.

(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in subsection (a) and enforce the conservation requirements of the easement.

(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Conservation Easement Program and the terms and conditions of the grant.

(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(B) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance—

(A) on land owned by a small landowner; or

(B) on a family farm by the owner or operator of the family farm.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations

by the person in addition to any such obligations of the person under such programs.

SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term ''endangered or threatened species'' means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) FAMILY FARM.—The term ''family farm'' means a farm that—

(A) produces agricultural commodities for sale in such quantities so as to be recognized in the community as a farm and not as a rural residence;

(B) produces enough income, including off-farm employment, to pay family and farm operating expenses, pay debts, and maintain the property;

(C) is managed by the operator;

(D) has a substantial amount of labor provided by the operator and the operator's family; and

(E) uses seasonal labor only during peak periods, and uses no more than a reasonable amount of full-time hired labor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(4) SMALL LANDOWNER.—The term ''small landowner'' means an individual who owns 50 acres or fewer of land.

(5) SPECIES RECOVERY AGREEMENT.—The term ''species recovery agreement'' means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

● Mr. MURKOWSKI. Mr. President. I rise today with my colleagues from Louisiana, Mississippi and California to introduce the Conservation and Reinvestment Act of 2000. This legislation remedies a tremendous inequity in the distribution of revenues generated by offshore oil and gas production from the Federal Outer Continental Shelf (OCS). It directs that a portion of those moneys be allocated to coastal States and communities who shoulder the responsibility for energy development off their coastlines. It also provides secure funding for a number of conservation programs.

This bill is similar to S. 25 which I cosponsored a little more than a year ago with Senators LANDRIEU and LOTT, along with a number of other Senators from both sides of the aisle. S. 25 and other proposals to spend OCS revenues are pending before the Senate Energy and Natural Resources Committee and a series of legislative hearings were held on these bills in the first session. The Committee continues to strive to reach an agreement on legislation which can be reported favorably to the floor.

Today, I am cosponsoring this bill in an effort to continue to move the process forward in the Senate. This bill is identical to the bipartisan bill reported by the House Resources Committee and which presently has 302 sponsors. At the same time, the Administration has proposed its Lands Legacy Initiative which would provide $1.4 billion annually in dedicated funding for a number of the programs funded in this bill. Given the Administration's action and anticipated passage by the House of Representatives of OCS legislation, I believe it is crucial that the Senate pass its own OCS bill.

This bill is not perfect and I have serious reservations about some of the provisions in Title 1. Title 1 provides $1 billion a year to coastal States and communities to mitigate the impacts of OCS activities off their shores. Offshore oil and gas production generates $3 to $4 billion in revenues annually for the U.S. Treasury. Yet, unlike mineral receipts from onshore Federal lands, very little of OCS oil and gas revenues are shared with coastal States. This bill remedies that disparity.

As Americans confront increasing oil and gas prices caused by this nation's reliance on foreign petroleum products, we should all recognize the importance of the OCS to this nation's energy independence. According to the Energy Information Administration, the OCS accounts for 27 to 28 percent of total U.S. oil and gas production. This production is authorized to occur off the coast of six States: parts of Alaska, parts of California; Texas, Mississippi, Alabama; and Louisiana. All Americans benefit from OCS production yet the States which produce this oil and gas off their coasts bear the burden.

It is in the long-term best interest of this country to support responsible and sustainable development of nonrenewable resources. We now import more than 55 percent of our domestic petroleum requirements and it is predicted that America will be at least 65 percent dependent on foreign energy sources by 2020. OCS development will play an important role in offsetting even greater dependence on foreign energy.

I do, however, have concerns about some of the provisions in Title 1. Title 1 places unreasonable restrictions on the use of coastal impact assistance funds by States and local governments. Like onshore mineral revenue sharing payments, the decision as to how to spend this money should be made by State and local government officials after a public process. There is no need for the Federal government to mandate that these funds be used for only certain, specific programs. Coastal impact assistance funds are just that—funds coastal States can use to offset the unavoidable impacts of OCS development. These impacts can range from shoreline erosion to the need for new schools to educate the children of oil and gas workers. And, these impacts can vary from year-to-year. It is important that the Federal government give States the flexibility they need to determine their needs and for Washington not to mandate a one-size fits all solution.

I also am concerned that Title 1 allows coastal States—without any OCS production—to receive more coastal impact assistance funds than States with OCS production. We cannot forget where this money comes from: it is generated by OCS oil and gas development. Nor can we forget the purpose of sharing these revenues with coastal

States: to offset the unavoidable impacts of this OCS development. It is unfair to allow States which do not bear the burdens of this development to benefit at the expense of States off whose shores development occurs. This provision must be added to this bill.

I do want to note a few other provisions in this bill which I believe are critical. Title 2 provides $900 million a year for the Land and Water Conservation Fund (LWCF). These LWCF monies are split between Federal land acquisition and the state-side LWCF matching grant program. As to the Federal land acquisition funds, a number of sensible limitations are placed on the expenditure of this money to ensure that Federal funds are spent to address Americans' concerns about the loss of private property in many States.

Each year the Administration must submit a list to Congress of each tract of land it proposes to acquire with LWCF monies and Congress must specifically approve each project through the appropriations process. Within 30 days of the submission of this list, Congressional representatives, the Governors and local government officials must be notified of relevant purchase requests. At the same time, the local public must be notified in a newspaper that is widely distributed in the area in which the proposed acquisition is to take place.

The Administration must seek to consolidate Federal land holdings in States with checkerboard Federal land ownership patterns. It also must seek to use exchanges and conservation easements as an alternative to fee title acquisition. If the Administration identifies tracts from non-willing sellers, it must notify Congress and, unless specifically authorized by Congress, the bill prohibits adverse condemnation. The Administration must identify to Congress its authority to carry out Federal acquisitions. No purchases can occur until all actions under Federal law are completed and a copy of the final NEPA document must be sent to Congress and the Governor and local government officials must be notified that the NEPA document is available.

The bill has a number of other provisions of interest to Westerners where the vast majority of Federal land is located. The bill requires just compensation for the taking of private property and protects State water rights. It provides $200 million annually for the maintenance of Federal lands managed by the Department of the Interior or the Forest Service. It also provides up to $200 million in additional funding for the Payment in-lieu-of Taxes and Refugee Revenue Sharing programs. The bill provides the necessary funds to reduce the $10 billion backlog of willing sellers located within the boundaries of Federal land management units. Finally, the bill restricts the Federal government's regulatory ability over private lands.

This bill is not perfect but it does reflect a bipartisan consensus. It provides a starting point for Senate discussions of conflicting OCS revenue-sharing proposals. With the anticipated action of the House and the Administration's Lands Legacy Initiative, it is imperative that the Senate put forth its own proposal to distribute OCS revenues. I remain committed to working with all Senators on such a proposal.●

By Mr. LAUTENBERG (for himself, Mr. LUGAR, Mr. DURBIN, and Mr. L. CHAFEE):

S. 2125. A bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products; to the Committee on Commerce, Science, and Transportation.

SMOKER'S RIGHT TO KNOW AND TRUTH IN TOBACCO LABELING ACT

● Mr. LAUTENBERG. Mr. President, today I introduce the Smoker's Right to Know and Truth in Tobacco Labeling Act. I am joined by my colleagues, Senator LUGAR, Senator DURBIN, and Senator CHAFEE.

Mr. President, the Smoker's Right to Know and Truth in Tobacco Labeling Act has two common-sense objectives.

First, the bill will require tobacco manufacturers to disclose the ingredients of their products to the public—including toxic and cancer-causing ingredients.

Second, our bill will replace the small health warnings on the side of a cigarette pack with larger warnings on the front and back that are simple and direct: ''Cigarettes Cause Cancer.'' ''Cigarettes are Addictive.'' ''Smoking Can Kill You.''

Of the hundreds of products for sale in America that go into the human body, tobacco products are the only ones—the only ones—for which manufacturers do not have to disclose ingredients. Even Coca-Cola, with a proud tradition of keeping its formula secret, has to list Coke's ingredients on every can.

Mr. President, manufacturers of every food product and every over-the-counter drug disclose their contents. Cigarette manufacturers do not. Yet, of any consumable product for sale in the United States, cigarettes are by far the most deadly.

One in three smokers will die from a smoking-related disease. That is more than 400,000 Americans every year. We should disclose information on cigarette ingredients to the public and provide realistic warnings about the health risks cigarettes cause.

Mr. President, how much do smokers really know about the chemicals they are inhaling with every puff of cigarette smoke? When a smoker lights a cigarette, the burning ingredients create other chemicals. Some of these are carcinogenic.

A Surgeon General's report in 1989 reported that cigarettes contain 43 carcinogens. Forty-three. The public has a right to know.

Do most smokers realize that one of these chemicals is arsenic? Yes, arsenic. I do not think most smokers know that.

Our bill will disclose that, as well as the other chemical carcinogens in cigarette smoke.

Mr. President, with all these known dangers about smoking, we should not hide the health warning labels in small type on the side of a cigarette pack. Other countries, such as Canada, Australia and Thailand, put large labels on the front of each pack. The United States should provide equal protection to consumers. The warnings should be stark, clear, and easily seen.

When cigarettes get in the hands of children, and with 3,000 children becoming regular smokers every day, we have a duty to give them the facts: ''Cigarettes Cause Cancer.'' ''Smoking is Addictive.'' ''Smoking Can Kill You.''

That is a lot more graphic and descriptive than the small print that appears today. Large and forthright warnings are more likely to be seen, read, understood, and recalled. More children—and adults—will get the message, and put down the pack rather than lighting up.

In a recent study of Canadian cigarette pack messages—similar to those required by this legislation—half of all smokers who were smoking less, or trying to quit, cited cigarette pack messages as contributing to their decisions. Larger, bolder warnings can make a difference.

Mr. President, the 106th Congress should enact this legislation. This is a bipartisan bill, and I want to thank my cosponsors, Senators LUGAR, DURBIN and CHAFEE for joining me in this effort. In the coming weeks, I expect that this bill will attract more cosponsors from both sides of the aisle.

Mr. President, I ask that the text of this bill be printed in the RECORD.

The bill follows:

S. 2125

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 ''Smoker's Right to Know and Truth in Tobacco Labeling Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVERTISEMENT.—The term ''advertisement'' means all newspapers and magazine advertisements and advertising inserts, billboards, posters, signs, decals, banners, matchbook advertising, point-of-purchase display material and all other written or other material used for promoting the sale or consumption of tobacco products to consumers, and advertising at an Internet site.

(2) BRAND.—The term ''brand'' means a variety of tobacco products distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the tobacco product, filtration, or packaging.

(3) BRAND STYLE.—The term ''brand style'' means a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

(4) CARCINOGEN.—The term ''carcinogen'' means any agent that is determined to be tumorigenic according to the National Toxicology Program or the International Agency

for Research on Cancer, or that is otherwise known by the manufacturer to be tumorigenic.

(5) CIGAR.—The term ''cigar'' means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, that weighs 3 pounds or more per thousand, and is not a cigarette or little cigar.

(6) CIGARETTE.—The term ''cigarette'' means—

(A) any roll of tobacco wrapped in paper or tobacco leaf or in any substance not containing tobacco which is to be burned,

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging or labeling is likely to be offered to, or purchased by consumers as a cigarette described in subparagraph (A),

(C) little cigars which are any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subparagraph (A)) and as to which 1,000 units weigh not more than 3 pounds, and

(D) loose rolling tobacco that, because of its appearance, type, packaging, or labeling, is likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(7) COMMERCE.—The term ''commerce'' means—

(A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof;

(B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or

(C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

(8) CONSTITUENT.—The term ''constituent'' means any element of tobacco or cigarette mainstream or sidestream smoke, including tar, the components of the tar, nicotine, and carbon monoxide or any other component designated by the Secretary.

(9) DISTRIBUTOR.—The term ''distributor'' does not include a retailer and the term ''distribute'' does not include retail distribution.

(10) INGREDIENT.—The term ''ingredient'' means any substance the use of which results, or may reasonably be expected to result, directly or indirectly, in its becoming a component of any tobacco product, including any component of the paper or filter of such product.

(11) PACKAGE.—The term ''package'' means a pack, box, carton, or other container of any kind in which cigarettes or other tobacco products are offered for sale, sold, or otherwise distributed to customers.

(12) PERSON.—The term ''person'' means an individual, partnership, corporation, or any other business or legal entity.

(13) PIPE TOBACCO.—The term ''pipe tobacco'' means any loose tobacco that, because of its appearance, type, packaging, or labeling, is likely to be offered to, or purchased by, consumers as a tobacco product to be smoked in a pipe.

(14) SALE OR DISTRIBUTION.—The term ''sale or distribution'' includes sampling or any other distribution not for sale.

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(16) SMOKELESS TOBACCO.—The term ''smokeless tobacco'' means any product that includes cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity.

(17) STATE.—The term ''State'' includes, in addition to the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(18) TAR.—The term ''tar'' means the particulate matter from tobacco smoke minus water and nicotine.

(19) TOBACCO PRODUCT.—The term ''tobacco product'' means any product made of or derived from tobacco leaf for human consumption, including cigarettes, cigars, little cigars, loose tobacco, smokeless tobacco, and pipe tobacco.

(20) TRADEMARK.—The term ''trademark'' means any word, name, symbol, logo, or device or any combination thereof used by a person to identify or distinguish such person's goods from those manufactured or sold by another person and to indicate the source of the goods.

(21) UNITED STATES.—The term ''United States'' includes the States and installations of the Armed Forces of the United States located outside a State.

SEC. 3. CIGARETTE PRODUCT PACKAGE LABELING; ADVERTISING WARNINGS.

(a) WARNING LABELS.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following label statements:

WARNING: Cigarettes are addictive

WARNING: Tobacco smoke can harm your children

WARNING: Cigarettes cause fatal lung disease

WARNING: Cigarettes cause cancer

WARNING: Cigarettes cause strokes and heart disease

WARNING: Smoking during pregnancy can harm your baby

WARNING: Smoking can kill you

WARNING: Tobacco smoke causes fatal lung disease in non-smokers

WARNING: Quitting smoking now greatly reduces serious risks to your health

WARNING: Smoking causes sexual dysfunction.

(2) LIST OF CARCINOGENS.—

(A) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution in the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, a statement that lists in the manner and order as required by subparagraph (B) certain carcinogens present in that cigarette brand's ingredients or constituents.

(B) STATEMENT REQUIRED.—The statement required under subparagraph (A) shall—

(i) be listed as follows:

''CANCER-CAUSING AGENTS: The following cancer-causing agents are inhaled in this product's smoke: [list of carcinogens]'';

(ii) in the bracketed area in the statement described in clause (i), list carcinogens in the following categories that are present in that cigarette brand's ingredients or constituents in the following descending order—

(I) inorganic compounds;

(II) miscellaneous organic compounds;

(III) aldehydes;

(IV) carcinogenic tobacco-specific nitrosamines (TSNAs).

(V) volatile nitrosamines; and

(VI) if any other carcinogens are present, state the following: ''and other carcinogens''; and

(iii) display, in bold print, the percentage of any carcinogen listed in clause (ii) relative to the average of such concentration of such carcinogen in the sales weighted average of all cigarettes marketed in the United States.

(3) PLACEMENT; TYPOGRAPHY.—

(A) WARNING LABELS.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise at least the top 33 percent of the front and rear panels of the package. The word ''WARNING'' shall appear in capital letters and all text shall be in conspicuous and legible 17-point bold, uncondensed, sans serif type. Notwithstanding the preceding sentence, the point size may be reduced when the longest line of text exceeds 16 typographic characters (letters and space), except that such reduced point size may never be smaller than 15-point and at least 60 percent of the area involved shall be occupied by the required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c)(4).

(B) LIST OF CARCINOGENS.—Each statement required by paragraph (2) shall be located in the same place that label statements were placed on cigarette packages as of October 12, 1984. The text of the statement shall be in conspicuous and legible 9-point uncondensed, sans serif type and shall appear in a conspicuous and prominent format on 1 side of the package. The Secretary may revise type sizes for the text in such an area and in such a manner as the Secretary determines to be appropriate. The term ''CANCER-CAUSING AGENTS'' shall appear in bold capital letters, and the text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, except the label statement required under paragraph (1).

(4) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

(b) PACKAGE INSERT.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any cigarettes unless the cigarette package includes a package insert, prepared in accordance with guidelines established by the Secretary by regulation, on carcinogens, toxins, and other substances posing a risk to human health that are contained in the ingredients and constituents of the cigarettes in such package. The Secretary shall include in such guidelines information on the health impact of smoking and smoking cessation as determined to be necessary by the Secretary to advance public health.

(2) REGULATIONS.—The Secretary shall issue regulations requiring the package insert required by paragraph (1) to provide the information required by such paragraph (including carcinogens and other dangerous substances) in a prominent, clear fashion and a detailed list of the ingredients and constituents.

(c) ADVERTISING REQUIREMENTS.—

(1) IN GENERAL.—It shall be unlawful for any manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette, or any similar tobacco product, unless its advertising bears, in accordance with the requirements of this section—

(A) one of the label statements specified in paragraph (1) of subsection (a); and

(B) a list of carcinogens specified in paragraph (2) of subsection (a).

(2) TYPOGRAPHY.—

(A) WARNINGS.—

(i) IN GENERAL.—Each cigarette advertisement shall include a label statement required by subsection (a)(1) as set forth in this subparagraph.

(ii) ADVERTISEMENTS.—For press (including magazine and newspaper), poster and billboard advertisements, each such label statement shall comprise at least 30 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the printing safety area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate to advance public health.

(iii) TEXT.—The word ''WARNING'' shall appear in capital letters, and each label statement shall appear in conspicuous, uncondensed, bold, sans serif type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under paragraph (4). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is twice the width of the vertical stroke of the letter ''I'' in the word ''WARNING'' in the label statements.

(iv) POINT TYPE.—The text of such label statements shall be in a bold typeface pro rata to the following requirements:

(I) 45-point type for a whole-page broadsheet newspaper advertisement.

(II) 39-point type for a half-page broadsheet newspaper advertisement.

(III) 39-point type for a whole-page tabloid newspaper advertisement.

(IV) 27-point type for a half-page tabloid newspaper advertisement.

(V) 31.5-point type for a double page spread magazine or whole-page magazine advertisement.

(VI) 22.5-point type for a 28 centimeter by 3 column advertisement.

(VII) 15-point type for a 20 centimeter by 2 column advertisement.

(v) BILLBOARDS.—For billboard advertisements, the typeface shall be adjusted so that the text occupies 60-70 percent of the label area. The warning label on billboards that use artificial lighting shall not be less visible than other printed matter on the billboard when the lighting is in use.

(vi) ALL LABEL STATEMENTS.—The label statements shall be in English, except that in the case of—

(I) an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

(II) in the case of any other advertisement that is not in English, the label statements shall appear in the same language as that principally used in the advertisement.

(B) LIST OF CARCINOGENS.—Each statement required by subsection (a)(2) in cigarette advertising shall comply with the standards set forth in this subparagraph. For press, poster and billboard advertisements, each such statement shall appear in a conspicuous and prominent format and be located at the bottom of each advertisement within the printing safety area. Each such statement shall comprise not less than 15 percent of the area of the advertisement, with the text of the statement comprising not less than 60 percent and not more than 70 percent of such an area. The Secretary may designate required type sizes in such an area in such a manner as the Secretary determines appropriate to advance public health. The text of such a statement shall be black if the background is white, and white if the background is black, and shall be in type that is otherwise in contrast in typography, layout, or color with all other printed material in the advertisement.

(3) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes and content for the label statements required by this section or the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures, or to establish the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et. seq.). The text of any such label statements or disclosures shall be required to appear only within the 30 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

(4) MARKETING REQUIREMENTS.—

(A) IN GENERAL.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand and brand style of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the cigarette manufacturer, importer, distributor, or retailer, and approved by the Secretary.

(B) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand and brand style of cigarettes in accordance with a plan submitted by the cigarette manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(C) REVIEW OF PLAN.—The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the label statements required under this section will be displayed by the cigarette manufacturer, importer, distributor, or retailer at the same time.

(d) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise cigarettes on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 4. LABELS AND ADVERTISING WARNINGS FOR SMOKELESS TOBACCO, CIGARS, AND PIPE TOBACCO.

(a) WARNING LABELS.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product, cigar product, or pipe tobacco product, or any similar tobacco product, unless the product package bears, in accordance with the requirements of this Act, one of the following label statements:

(A) Any smokeless tobacco product shall bear one of the following label statements:

WARNING: Smokeless tobacco causes mouth cancer

WARNING: Smokeless tobacco causes gum disease and tooth loss

WARNING: Smokeless tobacco is not a safe alternative to cigarettes

WARNING: Smokeless tobacco is addictive

(B) Any cigar product shall bear one of the following label statements:

WARNING: Cigar smoke causes mouth cancer

WARNING: Cigar smoke causes throat cancer

WARNING: Cigar smoke causes lung cancer

WARNING: Cigars are not a safe alternative to cigarettes

WARNING: Cigar smoke can harm your children

(C) Any pipe tobacco product shall bear one of the following label statements:

WARNING: Pipe smoking causes mouth cancer

WARNING: Pipe smoking causes throat cancer

WARNING: Pipe smoking is not a safe alternative to cigarettes

WARNING: Pipe smoking can harm your children

(2) REQUIREMENTS.—

(A) LOCATION OF LABEL STATEMENT.—Each label statement required by paragraph (1) shall—

(i) for any smokeless tobacco or pipe tobacco product, be located on the 2 principal display panels of the product package, and comprise at least 25 percent of each such display panel; and

(ii) for any cigar product, be located on a band around each cigar that is packaged for individual sale, and for each package of cigars, be located in the upper portion of the front and rear panels of the package and comprise at least the top 33 percent of the front and rear panels of the package.

(B) SIZE AND TEXT OF LABEL STATEMENT.—Each label statement required by paragraph (1) shall be in 17-point bold, uncondensed, sans serif type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package or band, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

(3) INTRODUCTION.—The label statements required by paragraph (1) shall be introduced by each manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products, cigar products, and pipe tobacco products concurrently into the distribution chain of such products.

(4) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a manufacturer or distributor of any smokeless tobacco product, cigar product, or pipe tobacco product that does not manufacture, package, or import such products for sale or distribution within the United States.

(b) ADVERTISEMENTS.—

(1) IN GENERAL.—It shall be unlawful for any manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products to advertise or cause to be advertised within the United States any such product unless its advertising bears, in accordance with the requirements of this section, one of the label statements specified in subsection (a) that is applicable to such product.

(2) REQUIREMENTS.—Each label statement required by paragraph (1) shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall—

(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

(B) the word ''WARNING'' shall appear in capital letters and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

(3) DISPLAY.—

(A) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the manufacturer, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products and approved by the Secretary.

(B) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product, cigar product, and pipe tobacco product, in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(C) REVIEW OF PLAN.—The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the label statements required under this section will be displayed by the manufacturer, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products, at the same time.

(c) PACKAGE INSERT.—

(1) IN GENERAL.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any smokeless tobacco product, cigar product, or pipe tobacco product unless such product, not including a cigar that is sold individually, includes a package insert, prepared in accordance with guidelines established by the Secretary by regulation, on carcinogens, toxins, and other substances posing a risk to human health that are contained in the ingredients and constituents of such product. The Secretary shall include in such guidelines information on the health impact of smoking and smoking cessation as the Secretary determines to be necessary to advance public health.

(2) REGULATIONS.—The Secretary shall issue regulations requiring the package insert required by paragraph (1) to provide the information required by such paragraph (including carcinogens and other dangerous substances) in a prominent, clear fashion and a detailed list of the ingredients and constituents.

(d) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco product, cigar product, or pipe tobacco product on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 5. AUTHORITY TO REVISE WARNING LABEL STATEMENTS.

The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, content, and text of any of the warning label statements required by this Act, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or alter the list of carcinogens disclosed on label statements, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco.

SEC. 6. TOBACCO PRODUCT INGREDIENTS AND CONSTITUENTS.

(a) GENERAL RULE.—Each person that manufactures, packages, or imports into the United States any tobacco product shall annually report, in a form and at a time specified by the Secretary by regulation—

(1) the identity of any added ingredient or constituent of the product other than tobacco, water, or reconstituted tobacco sheet made wholly from tobacco; and

(2) the nicotine, tar, and carbon monoxide yield ratings which shall accurately predict the nicotine, tar, and carbon monoxide intake from such product for average consumers based on standards established by the Secretary by regulation;

if such information is not information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code. The ingredients and constituents identified under paragraph (1) shall be listed in descending order according to weight, measure, or numerical count. If any of such constituents are carcinogens, or otherwise poses a risk to human health as determined by the Secretary, such information shall be included in the report.

(b) PUBLIC DISSEMINATION.—The Secretary shall review the information contained in each report submitted under subsection (a) and if the Secretary determines that such information directly affects the public health, the Secretary shall require that such information be included in a label under sections 3 and 4.

(c) OTHER SOURCES OF INFORMATION.—The Secretary shall establish a toll-free telephone number and a site on the Internet which shall make available additional information on the ingredients of such tobacco products, except information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code.

SEC. 7. ENFORCEMENT.

(a) IN GENERAL.—

(1) REGULATIONS.—The Secretary shall issue such regulations as may be appropriate for the implementation of this Act. The Secretary shall issue proposed regulations for such implementation within 180 days of the date of the enactment of this Act. Not later than 180 days after the date of the publication of such proposed regulations, the Secretary shall issue final regulations for such implementation. If the Secretary does not issue such final regulations before the expiration of such 180 days, the proposed regulations shall become final and the Secretary shall publish a notice in the Federal Register about the new status of the proposed regulations.

(2) CONSULTATION.—In carrying out the Secretary's duties under this Act, the Secretary shall, as appropriate, consult with such experts as may have appropriate training and experience in the matters subject to such duties.

(3) MONITORING OF COMPLIANCE.—The Secretary shall monitor compliance with the requirements of this Act.

(4) RECOMMENDATION FOR ENFORCEMENT.—The Secretary shall recommend to the Attorney General such enforcement actions as may be appropriate under this Act.

(b) INJUNCTION.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over civil actions brought to restrain violations of this Act. Such a civil action may be brought in the United States district court for the judicial district in which any substantial portion of the violation occurred or in which the defendant is found or transacts business. In such a civil action, process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas requiring attendance of witnesses in any such action may be served in any judicial district.

(2) ACTIONS BY INTERESTED PARTIES.—Any interested organization may bring a civil action described in paragraph (1). If such an organization substantially prevails in such an action, the court may award it reasonable attorney's fees and expenses. For purposes of this paragraph, the term 'interested organization' means any nonprofit organization one of whose purposes, and a substantial part of its activities, include the promotion of public health through reduction in the use of tobacco products.

(c) CIVIL PENALTY.—Any person who manufactures, packages, distributes, or advertises a tobacco product in violation of this Act shall be subject to a civil penalty of not more than $100,000 for each violation per day.

SEC. 8. REPORT TO CONGRESS BY THE SECRETARY.

Not later than 36 months after the date of enactment of this Act and biannually thereafter, the Secretary shall transmit to the Congress a report describing actions taken pursuant to this Act, current practices and methods of tobacco advertising and promotion, and recommendations if any for legislation.

SEC. 9. EFFECTIVE DATES AND CONFORMING AMENDMENTS.

(a) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act, except that section 3, 4, 5 and 6 shall take effect 1 year after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—Effective on the date that is 1 year from the date of the enactment of this Act, the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401) are repealed.●

● Mr. LUGAR. Mr. President, I wish to say a few words, and perhaps echo some of those of my colleague. I am proud to sponsor this important piece of legislation with Senator LAUTENBERG. I was a co-sponsor of a similar bill in the last Congress, and am glad to join him again in this effort. I also thank my colleagues Senator DURBIN and Senator CHAFEE for their co-sponsorship of this good policy initiative.

Let me start by saying that this bill is about health education and responsible individual decision-making. As Mayor of Indianapolis and in the U.S. Senate, I have advocated good health and fitness. I have integrated running into my daily routine and encourage my staff to do the same. In 1977, I founded the annual Dick Lugar Fitness festival in Indiana, which is an event I look forward to every year.

A good health and fitness regimen requires an assumption of personal responsibility and an active role on the part of the individual, but it also requires a knowledge of two essential components of good health—proper diet and exercise. I speak on a regular basis on the exercise component, but would like to make a couple of basic points about proper diet that are well within

the scope of the federal government's responsibilities.

We have taken great strides in the area of food packaging and labeling, pointing out to consumers vitamin and fat content; caloric and cholesterol facts. We require data on tests done on artificial sweeteners. But, in a product that threatens the life of one out of three regular users, we ignore those basic principles.

Mr. President, we all know that in a food product, the discovery of even a single carcinogen can trigger media attack, consumer outrage and FDA regulation. However, under current law, a cigarette package is not even required to list its ingredients despite the presence of dozens of carcinogens. Applying a simple content labeling standard to tobacco in the interest of consistency and public health is overdue considering the massive health problems inflicted by tobacco.

As Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, which has jurisdiction over some aspects of tobacco, I believe that our government must speak consistently and clearly about tobacco's risks. That has not always been the case. In the past, our government has sent mixed messages, for example, subsidizing the cultivation of tobacco and including cigarettes in military rations, even as it warned against tobacco's dangers. If public health warnings are to be trusted, they should not be ambiguous. The small, side-panel warnings currently in use on tobacco packages are not adequate in reflecting the risks of tobacco use as we now know them. We can and we should speak the truth with a clearer voice.

Prominent labels on cigarette packages in plain English would be a steady reminder of the risks smokers face when they light up. True, almost every smoker understands that cigarettes are bad for health, but fewer know the degree of risk.

Many smokers have tried to quit, some more than once. These labels will encourage them in this endeavor and remind them why they should try again.

Most importantly, Mr. President, as Senator LAUTENBERG stated, the warnings will be prominent and readily understood by young Americans, thousands of whom light up for the first time every day.

This bill does not interfere with an adult's freedom to choose to smoke, it does not raise tobacco prices, and it does not expand government regulatory authority beyond the labeling requirement. It is a modest and conservative step, but a decisive and important step in good public policy.●

● Mr. L. CHAFEE. Mr. President, I am pleased to join Senators LUGAR, LAUTENBERG, and DURBIN today in introducing the Smoker's Right to Know and Truth in Labeling Act, which would require comprehensive and prominent labeling of cigarettes. This legislation is a commonsense and bipartisan approach to give every American a chance to make an informed decision about tobacco use.

According to the Centers for Disease Control, nearly one in five deaths annually are attributed to tobacco use, making it the single most preventable cause of premature death, disease and disability facing our nation. In fact, more Americans die each year from tobacco use than from AIDS, alcohol, drug abuse, car accidents, murders, suicides, and fires combined.

America's children are most at risk. Despite all we know about the effects of tobacco, each day, 3,000 kids become regular smokers. Of these, 1,000 will eventually die from tobacco-related illnesses. Almost 90 percent of current adult smokers began at or before age 18.

Rhode Island—which already has one of the highest rates of teen smoking in the nation—has recently seen another increase in teen smoking. Today, over 37 percent of Rhode Island's high school kids smoke cigarettes. Over 23,000 Rhode Island kids under age 18 will die prematurely from tobacco-related illnesses.

Tobacco manufacturers say that tobacco use is a matter of choice. They argue that adults, with the full knowledge of the consequences, have the right to choose to smoke. I agree. But I also believe that individuals who choose to smoke should be making informed decisions.

The Smoker's Right to Know and Truth in Tobacco Labelling Act would ensure that tobacco users understand the consequences of the choice they are making. With comprehensive labelling of cigarette packs, adults and especially minors, will know the dangers that cigarettes pose to their health and the health of their loved ones.

This legislation follows on the recent example set by Canada, which passed tough labelling guidelines that have worked as a strong disincentive to beginning this deadly habit. Under the legislation we are introducing today, there will be no mistake about the life-threatening health effects of tobacco products.

As the father of three young children, I have a personal stake in helping to pass legislation to ensure that our kids do not develop this deadly habit. I hope our colleagues in the Senate will join us in passing this important, common-sense legislation.●

By Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD):

S. 2124. A bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas; to the Committee on Health, Education, Labor, and Pensions.

THE PUBLIC SCHOOL REPAIR AND RENOVATION ACT

Mr. HARKIN. Mr. President, today we will be introducing the Public School Repair and Renovation Act. This legislation will authorize $1.3 billion in grants and no interest loans to enable school districts to make urgent repairs at our nation's public schools. I am pleased to be joined by Senators ROBB, BINGAMAN, FEINSTEIN, KENNEDY, WELLSTONE, and DODD in cosponsoring this legislation in the Senate.

The facts about the condition of our nation's schools are well known. The average age of the schools in this country is 42 years. 14 million children attend classes in buildings that are unsafe or inadequate. The General Accounting Office reports we need $112 billion to just bring our schools up to overall good condition. How can kids prepare for the 21st century in schools that didn't even make the grade in the 20th century?

It is a national disgrace that the nicest thing our kids see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is their school. What signal are we sending them about the value we place on them, their education and future?

I was disturbed by the comments of Tunisia, a Washington, D.C. 5th grader in Jonathan Kozol's book, ''Savage Inequalities.'' This is what she said.

It's like this. The school is dirty. There isn't any playground. There's a hole in the wall behind the principal's desk. What we need to do is first rebuild the school. Build a playground. Plant a lot of flowers. Paint the classrooms. Fix the hole in the principal's office. Buy doors for the toilet stalls in the girl's bathroom. Make it a beautiful clean building. Make it pretty. Way it is, I feel ashamed.

The legislation we are introducing would make it possible to fix the holes in the walls of Tunisia's school, put doors on the bathroom stalls and paint the classrooms. These repairs would make Tunisia feel a little less ashamed of herself and of her school.

This legislation is part of a comprehensive two-prong strategy to modernize our nation's schools. This bill complements our continuing effort to provide tax credits for new construction and modernization projects. We have advocated school modernization tax credits that would finance $25 billion in new construction or major renovations. The Public School Repair and Renovation Act will complement that effort and I urge my colleagues to support it.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 41. A joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel

L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

THE SMITHSONIAN INSTITUTION BOARD OF REGENTS

Mr. COCHRAN. Mr. President, today I am introducing three Senate joint resolutions reappointing citizen regents of the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, the Senator from New York (Mr. MOYNIHAN) and the Senator from Tennessee (Mr. FRIST), are cosponsors.

At its meeting on January 24, 2000, the Smithsonian Institution Board of Regents recommended the following distinguished individuals for appointment to the Smithsonian Institution Board of Regents: Mr. Manuel L. Ibáñez of Texas; Mr. Alan G. Spoon of Maryland; and Ms. Sheila E. Widnall of Massachusetts.

I ask unanimous consent that the biographies of the nominees and the text of the joint resolutions be printed in the RECORD.

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

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manuel L. Ibáñez of Texas on May 4, 2000, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2000.

MANUEL LUIS IBÁÑEZ

(President of Texas A&I University and Professor of Microbiology)

B.S.—1957: Wilmington College, Wilmington, Ohio (*cum laude*).

M.S.—1959: Pennsylvania State University, University Park, Pennsylvania.

Ph.D.—1961: Pennsylvania State University, University Park, Pennsylvania.

National Science Foundation Cooperative Fellowship, 1959–1961 (2 year Full Fellowship).

Postdoctoral training, 1962—University of California at Los Angeles, Nuclear Medicine.

Field of Specialization: Bacterial Physiology.

PROFESSIONAL EXPERIENCE

1961–1962: Bucknell University, Assistant Professor of Bacteriology.

5/62–11/62: UCLA, Postdoctoral trainee.

1962–1965: Interamerican Institute of Agricultural Science of the O.A.S. (Costa Rica), Senior Biochemist.

1965–1970: LSU in New Orleans, Associate Professor and Chairman, Biology.

1970–1075: LSU in New Orleans, Associate Professor of Biology.

1973: Sabbatical Leave, University of California, San Diego and Scripps Institute of Oceanography.

1975–1978: University of New Orleans, Associate Professor and Coordinator Allied Health Sciences.

1977: University of New Orleans, Professor, Biological Sciences.

1978–1982: University of New Orleans, Professor, Biological Sciences and Associate Dean of the Graduate School.

1/1/82–6/30/83: University of New Orleans, Professor, Biological Sciences and Associate Vice Chancellor for Academic Affairs.

7/1/83–3/31/85: University of New Orleans, Professor, Biological Sciences and Acting Vice Chancellor for Academic Affairs.

4/1/85–7/31/89: University of New Orleans, Professor, Biological Sciences and Vice Chancellor for Academic Affairs and Provost.

8/89: University of New Orleans, Professor Emeritus.

8/1/89–Present: Texas A&I University, Professor of Microbiology and President.

8/1/90–Present: Texas A&M University, Visiting Professor of Biochemistry.

Professional Society Memberships Past and Present: American Society for Microbiology; American Association for the Advancement of Science; Fitotecnia Latinoamericana; Society of Sigma Xi (Science); American Association of University Administrators; American Association of State Colleges and Universities; Hispanic Association of Colleges and Universities.

ALAN GARY SPOON

Communications and publishing executive; b. Detroit, June 4, 1951; s. Harry and Mildred (Rudman) S.; m. Terri Alper, June 3, 1975; children: Ryan, Leigh, Randi, B.S., MIT, 1973, M.S. 1973; J.D., Harvard U., 1976. Cons. The Boston Cons. Group, 1976–79, mgr., 1979–81, v.p., 1981; v.p., The Washington Post Co., 1984–85; v.p., contr. Washington Post, 1985–86, v.p. mktg., 1986–87; v.p. fin., CFO The Washington Post Co., 1987–89; pres. Newsweek mag., 1989–91; COO, The Washington Post Co., 1991—, pres., 1993—; dir. Info, Industry Assn., Washington, 1982–83, 88–89; bd. dirs., trustee WETA-Pub. Broadcasting. 1986–92; bd. dirs. The Riggs Nat. Bank of Washington, 1991–93, dir. Genome Scis., Inc. (HGSI), (Rockville, MD), 1998. Dir. Norwood Sch., 1989–93, chmn., 1993–95; dir Internat. Herald Tribune, 1991—, Smithsonian Nat. Mus. Natural History, Wash. D.C. 1994—, Am. Mgmt. Sys., Inc., Fairfax. VA, 1996—, Human Genome Scis. Inc., Rockville, MD. 1998—. Recipient award for scholarship and athletics Eastern Coll. Athletic Conf., and MIT, 1973. Home: 7300 Loch Edin Ct, Potomac MD 20854–4835; Office: The Washington Post Co, 1150 15th St. NW, Washington, DC 20071–0002.

SHEILA EVANS WIDNALL

Aeronautical educator, former secretary of the airforce, aeronautical educator, former university official; b. Tacoma, July 13, 1938; d. Rolland John and Genievieve Alice (Krause) Evans; m. William Soule Widnall, June 11, 1960; children: William, Ann. BS in Aero. and Astronautics, MIT, 1960, MS in Aero. and Astronautics, 1961, DSc, 1964; PhD (hon.), New Eng. Coll., 1975, Lawrence U., 1987, Cedar Crest Coll., 1988, Smith Coll., 1990, Mt. Holyoke, Coll., 1991, Ill. Inst. Tech., 1991, Columbia U., 1994, Simmons Coll., 1994, Suffolk U., 1994, Princeton U., 1994. Asst. prof. aeros. and astronautics MIT, Cambridge, 1964–70, assoc. prof., 1970–74, prof., 1974–93, head divsn. fluid mechanics, 1975–79; dir. Fluid Dynamics Rsch. Lab., MIT, Cambridge, 1979–90; chmn. faculty MIT, Cambridge, 1979–80, chairperson com. on acad. responsibility, 1991–92, assoc. provost, 1992–93; sec. USAF, 1993–97; prof. MIT, Cambridge, 1997—; trustee Sloan Found., 1998—; bd. dirs. Chemfab Inc., Bennington, VT., Aerospace Corp., L.A., Draper Labs., Cambridge; past trustee Carnegie Corp., 1984–92, Charles Stark Draper Lab. Inc.; mem. Carnegie Commn. Sci., Tech. and Govt. Contbr. articles to profl. jours.; patentee in field; assoc. editor AIAA Jour. Aircraft, 1972–75, Physics of Fluids, 1981–88, Jour. Applied Mechanics, 1983–87; emm. editorial bd. Sci., 1984–86. Bd. visitors USAF Acad., Colorado Springs, Colo., 1978–84, bed. chairperson, 1980–82; trustee Boston Mus. Scie., 1989—. Recipient Washburn award Boston Mus. Sci., 1987. Fellow AAAS (bd. dirs. 1982–89, pres. 1987–88, chmn. 1988–89), AIAA (bd. dirs. 1975–77, Lawrence Sperry award 1972, Durand Lectureship for Pub. Svc. award 1996, pres.-elect 1999—), Am. Phys. Soc. (exec. com. 1979–82); mem. ASME (Applied Mechs. award 1995, Pres. award 1999), NAE (coun. 1992–93, v.p. 1998—), NAS (panel on sci. responsibility), Am. Acad. Arts and Scis., Soc. Women Engrs. (Outstanding Achievement award 1975), Internat. Acad. Astronautics, Seattle Mountaineers. Office: MIT Bldg 33–411 77 Massachusetts Ave Cambridge MA 02139.

ADDITIONAL COSPONSORS

S/ 345

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 374

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 374, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 542, a bill to amend the

Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 577

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 631

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 662

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 867

At the request of Mr. ROTH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1044

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1199

At the request of Mr. LOTT, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1199, a bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups.

S. 1227

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1594

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1716

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 1796

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1984

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1984, a bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2003, supra.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Indiana (Mr.

BAYH) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2013

At the request of Mr. LOTT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Virginia (Mr. WARNER), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2076

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Minnesota (Mr. GRAMS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Montana (Mr. BAUCUS), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2076, a bill to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

S. 2083

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2083, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 2090

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2090, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes.

S. CON. RES. 81

At the request of Mr. ROTH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. RES. 60

At the request of Mr. MACK, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as ''Arts Education Month.'' At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 128, supra.

AMENDMENT NO. 2825

At the request of Mr. ABRAHAM, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. ALLARD), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from Washington (Mr. GORTON), the Senator from Idaho (Mr. CRAPO), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2825 intended to be proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

AMENDMENT NO. 2854

At the request of Mr. COVERDELL, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2854 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Alabama (Mr. SESSIONS), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of amendment No. 2854 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE CONCURRENT RESOLUTION 85—CONDEMNING THE DISCRIMINATORY PRACTICES PREVALENT AT BOB JONES UNIVERSITY

Mr. TORRICELLI (for himself, Mr. REID, and Mr. ROBB) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 85

Whereas the Senate strongly rejects the practices of racism, segregation, and intolerance based on religious beliefs;

Whereas the administration of Bob Jones University enforces a segregationist policy by prohibiting interracial couples on the Bob Jones University campus;

Whereas officials of Bob Jones University routinely disparage those of other religious faiths with intolerant and derogatory remarks;

Whereas officials of Bob Jones University have likened the Pope of the Roman Catholic Church to a ''possessed demon'', and branded Catholicism as a ''satanic system and religion of the anti-Christ'';

Whereas the Website of Bob Jones University greets visitors with the University's belief that Catholicism and Mormonism are ''cults''; and

Whereas senior officials of Bob Jones University have made openly racist remarks on many occasions regarding African Americans and Asian Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns practices, such as those prevalent at Bob Jones University, that seek to discriminate against and divide Americans on the basis of race, ethnicity, and religion; and

(2) strongly denounces individuals who seek to subvert the American ideals of inclusion, equality, and social justice.

SENATE CONCURRENT RESOLUTION 86—REQUESTING THAT THE UNITED STATES POSTAL SERVICE ISSUE A COMMEMORATIVE POSTAGE STAMP HONORING THE 9TH AND 10TH HORSE CAVALRY UNITS, COLLECTIVELY KNOWN AS THE BUFFALO SOLDIERS

Mr. DEWINE submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs

S. CON. RES. 86

Whereas the 9th and 10th Horse Cavalry Units, collectively known as the Buffalo Soldiers, have made key contributions to the history of the United States by fighting to defend and protect our Nation;

Whereas the 9th and 10th Horse Cavalry Units maintained the trails and protected the settler communities during the period of westward expansion;

Whereas the 9th and 10th Horse Cavalry Units, who came to be known as the Buffalo Soldiers while in combat with the Native Americans, secured land for the Union from the Native Americans;

Whereas the 9th and 10th Horse Cavalry Units were among Theodore Roosevelt's Rough Riders in Cuba during the Spanish-American War, and crossed into Mexico in 1916 under General John J. Pershing;

Whereas African-American men were drafted into the 9th and 10th Horse Cavalry Units to serve on harsh terrain and protect the Mexican Border;

Whereas these African-American units went to North Africa, Iran, and Italy during World War II and worked in many positions including paratroopers and combat engineers;

Whereas in the face of fear of a Japanese invasion, the soldiers in the 9th and 10th Cavalry units were placed along the rugged border terrain of the Baja Peninsula and protected dams, power stations, and rail lines that were crucial to San Diego's war industries; and

Whereas the 21 currently existing chapters of the 9th and 10th Cavalry Association, with 20 domestic chapters and 1 in Germany, have built a Buffalo Soldiers Memorial in Junction City, Kansas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress requests that the United States Postal Service issue a commemorative postage stamp in honor of the 9th and 10th Horse Cavalry Units, collectively known as the Buffalo Solders.

• Mr. DEWINE. Mr. President, as my colleagues know, February is designated as ''Black History Month.'' As part of the celebration of African American achievements and contributions to our country, I would like to draw your attention to the heroic and courageous acts of the African Americans who served in the Ninth and Tenth Horse Cavalry Units of the United States Army.

These units were established at the end of the Civil War and composed of former slaves. Their first charge was to maintain trails and protect settlers from Native Americans during the period of westward expansion. The units were called to combative service during the wars against the Native Americans, where they were also given the name of ''Buffalo Soldiers.''

During the Spanish American War, the Buffalo Soldiers were among Theodore Roosevelt's Rough Riders. In 1916, they crossed into Mexico under the direction of General John J. Pershing. At a time when the majority of the troops fighting in Mexico were from the South, these soldiers faced many internal obstacles and discriminatory actions, even while defending our country.

The Buffalo Solders were last called into service during World War II. The soldiers went to North Africa, Iran, and Italy and held various positions as combat engineers and paratroopers, among others. When the Army feared a Japanese invasion, the Buffalo Soldiers were placed along the rugged border terrain of the Baja Peninsula and protected dams, power stations, and rail lines to ensure the safety of crucial war industries in San Diego.

Currently, there are twenty-one existing chapters of the 9th and 10th Horse Cavalry associations, one in Germany and twenty in the United States.

Mr. President, I am submitting a resolution today to honor these brave men through the creation of a commemorative postage stamp. This stamp is a way to pay tribute to the Buffalo Soldiers' great acts of courage and dedication to our country. It is my hope that this stamp can serve as a reminder of their valor and to help teach future generations about their contributions to our nation. I urge my colleagues to support this measure.

An informative article about the Buffalo Soldiers in my home state of Ohio was recently featured in the Cincinnati Enquirer. I ask unanimous consent that the text of this article be reprinted in the RECORD.

The article follows:

[From the Cincinnati Enquirer, Feb. 9, 2000]

LAST OF A STORIED CAVALRY FIGHTS FOR RECOGNITION—ALL-BLACK UNIT SERVED IN WW II AFTER LONG HISTORY

(By Mark Curnutte)

In 1943, Lorenzo Denson was one of about two dozen men from Cincinnati drafted to serve in an all-black cavalry unit on the Mexican border.

''The only horse I'd ever seen was the milkman's horse on Seventh Street,'' he said. Shortages of men in segregated black infantry units took Mr. Denson and other Cincinnatians overseas—without their horses—to North Africa, Iran and Italy. They worked as everything from paratroopers to combat engineers. Mr. Denson was a firefighter at an airfield.

''We did our job,'' he said. ''We did what we were told.''

These Tristate men also found their way into history as the last of the Buffalo Soldiers, members of the renowned all-black cavalry units formed during the Indian wars. The U.S. Army disbanded all horseback cavalry units in 1944.

This month—Black History Month—finds Cincinnati's Buffalo Soldiers on a final ride. Like the Tuskegee Airmen and other groups of black veterans before them, the Buffalo Soldiers are trying to win recognition for contributions that they say have been overlooked for more than 50 years.

Mr. Denson, now 79, retired and living in Columbia Township, will be among a group of nine living World War II-era Buffalo Soldiers scheduled to make its first Tristate appearance Thursday at the public library in Corryville.

''We helped to win World War II,'' said Linwood Greene Jr., 79, of Silverton, another Buffalo Soldier.

At least 14 of Cincinnati's World War II Buffalo Soldiers are dead—none was killed in action—and chances are this piece of Tristate history would have faded away if not for George Hicks III. A retired Army veteran who's a fan of the all-black cavalry units; Mr. Hicks moved from Washington, D.C., to the Tristate a couple of years ago and immediately organized the Cincinnati-based Heartland Chapter of the Ninth and Tenth Horse Cavalry Association.

''These men are American heroes,'' said Mr. Hicks, 50.

There are 20 domestic chapters of the Ninth and Tenth Association and one in Germany. About 650 black cavalry veterans from World War II are still living.

''We owe a lot to George,'' said Mr. Denson, who appeared at the Buffalo Soldiers booth at the Indiana Black Expo in July in Indianapolis. Public reaction there added urgency to the black troopers mission.

People—black and white alike—didn't know who they were. ''They thought we were actors,'' Mr. Denson said.

The men sported black hats with crossed cavalry swords and the No. 10 affixed to the front. With blue shirts they wore the cavalry's standard yellow neckerchief.

''Once people found out who we were and what we did, they wanted to have their pictures taken with us,'' Mr. Denson said.

William Snow, 77, of New Burlington will appear at the library with Mr. Denson and at least three other men.

''Overseas, we did everything we were instructed to do,'' said Mr. Snow, a Walnut Hills native and retired postal worker. ''I was proud to be in the cavalry. I am proud to be part of the history.''

The black cavalry dates to post-Civil War North America. It's first recruits in 1866 were former slaves who patrolled the frontier from Texas to Montana. They guarded settlers and protected wagon trains.

Buffalo Soldiers earned respect and their nickname from the Cheyenne, Arapahoe, Kiowa, Comanche and Apache Indians they sometimes fought, a story captured in the song ''Buffalo Soldier'' by the late reggae icon Bob Marley. Indians said black soldiers' hair resembled buffalo fur.

Four all-black regiments, stationed throughout the western territories, were known as some of the fiercest fighters of the Indian wars.

They were among Theodore Roosevelt's Rough Riders in Cuba during the Spanish-American War and crossed into Mexico in 1916 under Gen. John J. Pershing.

During World War II, fearing a Japanese land invasion through Mexico's Baja Peninsula, the government placed cavalry units—first white, then black—along the rugged border terrain. Armed units on horseback protected dams, power stations and rail lines important to San Diego's war industries.

Black troopers from Cincinnati were sworn in at Fort Thomas and sent to train at Camp Lockett near San Diego.

''We were trained in infantry and how to be infantry on horseback,'' Mr. Denson said. ''When you were assigned a horse, you were instructed to treat this animal like it was your best friend.''

African-Americans could not rise beyond the rank of sergeant, so all commanding officers were white.

''They treated black troopers very well,'' Mr. Denson said.

Patrolling the border is how Buffalo Soldiers figured they would close out the war.

But within a year of arriving in California, the cavalry troopers were put on alert to go

overseas. They were put aboard a segregated train for a two-day ride to Newport News, Va.

A stop in Houston showed the men that many of their white countrymen wouldn't accept them, even though the troopers would put their lives on the line for them.

''We were in cramped quarters on the train, and the colonel got us out and had us marching up and down the platform to stretch our legs,'' said Mr. Greene, the Madisonville native who lives in Silverton.

''The mayor of Houston heard we were there, and he came out and said, 'Get them niggers back on the train.' And that's exactly what he said.

''So the colonel has us go back to a train car and assemble our .50-caliber machine guns. We went back out and marched until it was time to switch trains.''

Many historians consider Buffalo Soldiers unsung heroes, troopers who did jobs a lot of white soldiers didn't want to.

''Blacks were second-class citizens in the military, and blacks were second-class citizens in society,'' said Pat O'Brien, a history professor and 20th century America expert at Emporia State University in Emporia, Kan.

Emporia is near Junction City, Kan., home of the Ninth and Tenth Cavalry Association, which is raising money to build a Buffalo Soldiers memorial there.

''In many ways, World War II—and the performance of the black soldiers—provided the context for the civil rights movement,'' Mr. O'Brien said. ''It readily exposed the paradox—how could you fight against one thing overseas and promote it at home.''

Mr. Greene, who joined the combat engineers and worked as a welder, landed at Normandy on D-Day. He was wounded six days later when the Jeep in which he was riding ran over a mine.

He took shrapnel in the head, hand and stomach. The next 14 days were a blur. He received the Purple Heart and an honorable discharge at a Cleveland hospital on Aug. 4, 1945.

Mr. Greene came home to Cincinnati and went to work as a railway mail clerk. He experienced more racism at home than he did abroad.

''I was in the same boxcars sorting the same mail, and they wouldn't let me join the union,'' he said.

Paul Greene, his son, was a U.S. Marine killed in Vietnam in 1966. Paul Greene was 19.

''I'm proud of my son's service to his country,'' Linwood Greene Jr. said slowly. ''I'm proud of my service to my country.''

Mr. Snow, who also received an honorable discharge, didn't think he would live to see the United States again.

''I had as much fun as I could because I thought I would be gone at any minute,'' he said. ''God was with me. That's how I didn't get hurt.''

Mr. Denson is most proud of his honorable discharge, dated Nov. 6, 1945. He also received the American Theater Ribbon, Good Conduct Medal and Victory Medal.

''The No. 1 thing is that honorable discharge. A lot of things happen in the service, and they had a lot of ways of busting you down,'' said Mr. Denson, who retired in 1981 from Cincinnati Public Schools as a plant operator.

Not far behind are his feelings for his unit.

''I liked the outfit. I liked the horses. I learned a lot,'' he said. ''We didn't come in until the tail end, but we did a good job.

''No, we weren't actors. We were the real thing.''●

SENATE RESOLUTION 264—CONGRATULATING AND THANKING CHAIRMAN ROBERT F. BENNETT AND VICE CHAIRMAN CHRISTOPHER J. DODD FOR THEIR TREMENDOUS LEADERSHIP, POISE, AND DEDICATION IN LEADING THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM AND COMMENDING THE MEMBERS OF THE COMMITTEE FOR THEIR FINE WORK

Mr. LOTT (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. STEVENS, Mr. BYRD, and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

S. RES. 264

Whereas Senator Robert F. Bennett and Senator Christopher J. Dodd had the foresight to urge Majority Leader Lott and Senator Daschle to establish the Special Committee on the Year 2000 Technology Problem under Senate Resolution on April 2, 1998;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Special Committee on the Year 2000 Technology Problem always acted in a bipartisan manner;

Whereas Chairman Bennett and Vice Chairman Dodd presided over 35 hearings on various aspects of technology infrastructure including utilities, health care, telecommunications, transportation, financial services, Government involvement, and litigation;

Whereas the Special Committee on the Year 2000 Technology Problem became the central repository for Y2K computer problem information both nationally and internationally;

Whereas Chairman Bennett and Vice Chairman Dodd guided the Senate in working with the White House, the House of Representatives, the United Nations, and other international organizations, and the private sector in addressing the Y2K computer problem;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Committee issued 3 excellent reports that quickly became the authoritative source on the progress of the Federal Government, the private sector, and foreign countries on the Y2K computer problem;

Whereas Chairman Bennett, Vice Chairman Dodd, and the committee helped the Federal Government, industry, nations, and global enterprises learn that by working together we can solve the kinds of technology problems we will likely face in the 21st century;

Whereas Chairman Bennett and Vice Chairman Dodd always conducted hearings in a thoughtful and judicious manner, with the intent of addressing key issues so that the Senate could better evaluate and solve the problem;

Whereas because of Chairman Bennett's and Vice Chairman Dodd's initiative, the Nation and the world began to take the Y2K computer problem seriously and worked to resolve the problem; and

Whereas due to Chairman Bennett's and Vice Chairman Dodd's tremendous leadership, dedication, and the work of the Special Committee on the Year 2000 Technology Problem, the first potential catastrophe of the new century was avoided: Now, therefore, be it

Resolved, That the Senate congratulates and thanks Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd—

(1) for their tremendous leadership in addressing a massive and pervasive problem; a problem that was largely unknown, but thanks to Chairman Bennett and Vice Chairman Dodd was studied, evaluated, and resolved;

(2) for presiding over the Special Committee on the Year 2000 Technology Problem which did its work in a bipartisan and fair manner; and

(3) for helping the Government and the Nation minimize the Y2K computer problem.

AMENDMENTS SUBMITTED

THE AFFORDABLE EDUCATION ACT OF 1999

DODD (AND OTHERS) AMENDMENT NO. 2857

Mr. REID (for Mr. DODD (for himself, Mr. REID, Mr. KENNEDY, and Mr. REED)) proposed an amendment to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101 and insert the following:

SEC. 101. IDEA.

There are appropriated to carry out part B of the Individuals with Disabilities Education Act $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

WYDEN AMENDMENT NO. 2858

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

At the appropriate place, insert the following:

SEC. . DETENTION OF JUVENILES WHO UNLAWFULLY POSSESS FIREARMS IN SCHOOLS.

Section 4112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112(a)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) contains an assurance that the State has in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile community-based placement or in an appropriate juvenile justice facility, for not less than 24 hours, any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself or to the community; and''.

KERRY AMENDMENT NO. 2859

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

On page 21, between lines 3 and 4, insert:

SEC. 204. EXCLUSION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) IN GENERAL.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following:

''(e) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARDS.—

''(1) IN GENERAL.—Gross income for any taxable year shall not include any qualified national service educational award.

''(2) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARD.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award or other amount under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

''(B) LIMITATION.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 1999.

HUTCHISON AMENDMENT 2860

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1134, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. CAREERS TO CLASSROOMS.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''Secretary'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) ALTERNATIVE CERTIFICATION OR LICENSURE REQUIREMENTS.—The term ''alternative certification or licensure requirements'' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual who has received—

(A) in the case of an individual applying for assistance for placement as an elementary school or secondary school teacher, a baccalaureate or advanced degree from an institution of higher education; or

(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary school or secondary school, an associate, baccalaureate, or advanced degree from an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

(b) PLACEMENT PROGRAM.—The Secretary may establish a program of awarding grants to States—

(1) to enable the States to assist eligible individuals to obtain—

(A) certification or licensure as elementary school or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of the eligible individuals by local educational agencies identified under subsection (c)(2) as experiencing a shortage of teachers or teachers' aides.

(c) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (b), the Secretary shall—

(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers;

(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, computer science, or engineering teachers; and

(3) periodically request information from all States to identify local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are experiencing a shortage of teachers' aides.

(d) SELECTION OF ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Selection of eligible individuals to participate in the placement program authorized by subsection (b) shall be made on the basis of applications submitted to a State. An application shall be in such form and contain such information as the State may require.

(2) PRIORITY.—In selecting eligible individuals to receive assistance for placement as elementary school or secondary school teachers, the State shall give priority to eligible individuals who—

(A) have substantial, demonstrated career experience in science, mathematics, computer science, or engineering and agree to seek employment as science, mathematics, computer science, or engineering teachers in elementary schools or secondary schools; or

(B) have substantial, demonstrated career experience in another subject area identified by the State as important for national educational objectives and agree to seek employment in that subject area in elementary schools or secondary schools.

(e) AGREEMENT.—An eligible individual selected to participate in the placement program authorized by subsection (b) shall be required to enter into an agreement with the State, in which the eligible individual agrees—

(1) to obtain, within such time as the State may require, certification or licensure as an elementary school or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary school or secondary school; and

(2) to accept—

(A) in the case of an eligible individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary school or secondary school teacher for not less than two school years with a local educational agency identified under subsection (c)(2), to begin the school year after obtaining that certification or licensure; or

(B) in the case of an eligible individual selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary school or secondary school for not less than 2 school years with a local educational agency identified under subsection (c)(3), to begin the school year after obtaining the necessary credentials.

(f) STIPEND FOR PARTICIPANTS.—

(1) IN GENERAL.—The State shall pay to an eligible individual participating in the placement program a stipend in an amount equal to the lesser of—

(A) $5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the eligible individual while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary school or secondary school teacher or teacher aide.

(2) RELATION TO OTHER ASSISTANCE.—A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the eligible individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) GRANTS TO FACILITATE PLACEMENT.—

(1) TEACHERS.—In the case of an eligible individual in the placement program obtaining teacher certification or licensure, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the eligible individual as a full-time elementary school or secondary school teacher after the eligible individual obtains teacher certification or licensure.

(2) TEACHER'S AIDES.—In the case of an eligible individual in the program obtaining credentials to serve as a teacher's aide, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

(3) AGREEMENTS CONTRACTS.—Under an agreement referred to in paragraph (1) or (2)—

(A) the local educational agency shall agree to employ the eligible individual full time for not less than 2 consecutive school years (at a basic salary to be certified to the State) in a school of the local educational agency that—

(i) serves a concentration of children from low-income families; and

(ii) has an exceptional need for eligible individuals; and

(B) the State shall agree to pay to the local educational agency for each eligible individual, from amounts provided under this section, $5,000 per year for a maximum of 2 years.

(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—If an eligible individual in the placement program fails to obtain teacher certification or licensure, employment as an elementary school or secondary school teacher, or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the 2 years of required service, the eligible individual shall be required to reimburse the State for any stipend paid to the eligible individual under subsection (f)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the 2 years of required service. A State shall forward the proceeds of any reimbursement received under this paragraph to the Secretary.

(2) OBLIGATION TO REIMBURSE.—The obligation to reimburse the State under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the State. Any amount owed by an eligible individual under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the eligible individual is first notified of the amount due.

(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—

(1) IN GENERAL.—An eligible individual in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(B) is serving on active duty as a member of the Armed Forces;

(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary school or secondary school for a single period not to exceed 27 months; or

(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(2) FORGIVENESS.—An eligible individual shall be excused from reimbursement under subsection (h) if the eligible individual becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

ROBB (AND OTHERS) AMENDMENT NO. 2861

Mr. ROBB (for himself, Mr. HARKIN, Mr. CONRAD, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 1134, supra; as follows:

Strike section 101 and insert:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking ''$500'' and inserting ''the contribution limit for such taxable year''.

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 2000, and ending before January 1, 2004).''

(3) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking ''$500'' and inserting ''the contribution limit (as defined in section 530(b)(4)) for such taxable year''.

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

''The age limitations in the preceding sentence and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).''

(c) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking ''The maximum amount which a contributor'' and inserting ''In the case of a contributor who is an individual, the maximum amount the contributor''.

(d) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(5) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).''

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

''(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and'', and

(B) by striking ''DUE DATE OF RETURN'' in the heading and inserting ''JUNE''.

(e) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

''(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

''(i) CREDIT COORDINATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

''(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 2000, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

''(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If the aggregate distributions to which subparagraph (A) and section 529(c)(3)(B) apply exceed the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) (after the application of clause (i)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).''

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

''(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.''

(B) Section 135(d)(2)(A) is amended by striking ''allowable'' and inserting ''allowed''.

(C) Section 530(b)(2)(A) is amended by striking '', reduced as provided in section 25A(g)(2)''.

(D) Section 530(d)(2)(D) is amended—

(i) by striking ''or credit'', and

(ii) by striking ''CREDIT OR'' in the heading.

(E) Section 4973(e)(1) is amended by adding ''and'' at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 101A. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

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

(1) Record numbers of students are enrolled in our Nation's elementary and secondary schools and that record is expected to be broken every year through 2007. The record numbers are straining many school facilities. Addressing that growth will require an increasing commitment of resources to build and modernize schools, and to hire and train new teachers. In addition, the increasing use of technology in the workplace is creating new demands to incorporate computers and other high-technology equipment into the classroom and into curricula.

(2) The General Accounting Office (in this section referred to as the ''GAO'') has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States. The GAO report concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in

test scores when students were moved from a poor facility to a new facility.

(5) Furthermore, a recent study by the Environmental Working Group concluded that portable trailers, utilized by many school districts to accommodate school over-crowding, can ''expose children to toxic chemicals at levels that pose an unacceptable risk of cancer or other serious illnesses.'' Because ventilation in portable trailers is poor, the pollution through the build-up of toxins can be significant. This is particularly hazardous to those children who have asthma. The prevalence of asthma in children increased by 160 percent between 1980 and 1994. The report also stated, ''Schools are facing two epidemics: an epidemic of deteriorating facilities and an epidemic of asthma among children.''

(6) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(7) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 2,400 schools.

(8) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(9) Schools run by the Bureau of Indian Affairs (in this section referred to as the ''BIA'') for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, ''Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology.''

(10) Across the Nation, schools will need to recruit and hire an additional 2,000,000 teachers during the period from 1998 through 2008. More than 200,000 teachers will be needed annually, yet current teacher development programs produce only 100,000 to 150,000 teachers per year. This level of recruitment is simply the level needed to maintain existing student-teacher ratios.

(11) The rapid growth in the student population, in addition to the imminent shortage of qualified teachers and recent efforts by Congress to help States reduce class size, present urgent infrastructure needs across the Nation.

(12) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(13) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(14) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) PUBLIC SCHOOL MODERNIZATION.—Chapter 1 is amended by adding at the end the following new subchapter:

''Subchapter X—Public School Modernization Provisions

''PART I—CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

''SEC. 1400F. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified public school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified public school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified public school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND; CREDIT ALLOWANCE DATE.—For purposes of this section—

''(1) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND.—The term 'qualified public school modernization bond' means—

''(A) a qualified school construction bond, and

''(B) a qualified zone academy bond.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

''(f) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(g) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(h) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified public school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified public school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(i) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding qualified public school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(j) CREDIT MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

''(k) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(l) REPORTING.—Issuers of qualified public school modernization bonds shall submit reports similar to the reports required under section 149(e).

''(m) TERMINATION.—This section shall not apply to any bond issued after September 30, 2005.

"PART II—QUALIFIED SCHOOL CONSTRUCTION BONDS

"SEC. 1400G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

''(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

''(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

''(3) the issuer designates such bond for purposes of this section, and

''(4) the term of each bond which is part of such issue does not exceed 15 years.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

''(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

''(2) if such issuer is a large local educational agency (as defined in subsection (e)(4)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

''(1) $11,800,000,000 for 2001,

''(2) $11,800,000,000 for 2005, and

''(3) except as provided in subsection (f), zero after 2001 and before 2005, and after 2005.

''(d) SIXTY-FIVE PERCENT OF LIMITATION ALLOCATED AMONG STATES.—

''(1) IN GENERAL.—Sixty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State and such allocations may be made only if there is an approved State application.

''(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

''(3) MINIMUM ALLOCATIONS TO STATES.—

''(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

''(i) the amount allocated to such State under this subsection for such year, and

''(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

''(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

''(4) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

''(5) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2001, and $200,000,000 for calendar year 2005, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7871) shall be treated as qualified issuers for purposes of this subchapter.

''(6) APPROVED STATE APPLICATION.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

''(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

''(i) health and safety problems at such facilities,

''(ii) the capacity of public schools in the State to house projected enrollments, and

''(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

''(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

''(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

''(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

''(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State shall be binding if such State reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

''(e) THIRTY-FIVE PERCENT OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

''(1) IN GENERAL.—Thirty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

''(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

''(3) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in subsection (d)(1).

''(4) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

''(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

''(B) 1 of not more than 25 local educational agencies (other than those described in subparagraph (A)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

''(5) APPROVED LOCAL APPLICATION.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

''(A) the results of a recent publicly-available survey (undertaken by the local educational agency or the State with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

''(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

''(ii) the overcrowded conditions of the agency's schools and the capacity of such schools to house projected enrollments, and

''(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

''(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how the agency will—

''(i) give high priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

''(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own,

''(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State

that would have occurred in the absence of such allocation, and

''(iv) ensure that the needs of both rural and urban areas are recognized, and

''(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(6) shall apply for purposes of this paragraph.

''(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(1) the amount allocated under subsection (d) to any State, exceeds

''(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(5) or (e).

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—A bond shall not be treated as failing to meet the requirement of subsection (a)(1) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued.

''(2) BINDING COMMITMENT REQUIREMENT.—Paragraph (1) shall apply to an issue only if, as of the date of issuance, there is a reasonable expectation that—

''(A) at least 10 percent of the proceeds of the issue will be spent within the 6-month period beginning on such date for the purpose for which such issue was issued, and

''(B) the remaining proceeds of the issue will be spent with due diligence for such purpose.

''(3) EARNINGS ON PROCEEDS.—Any earnings on proceeds during the temporary period shall be treated as proceeds of the issue for purposes of applying subsection (a)(1) and paragraph (1) of this subsection.

''PART III—INCENTIVES FOR EDUCATION ZONES

''Sec. 1400H. Qualified zone academy bonds.

''SEC. 1400H. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this subchapter—

''(1) IN GENERAL.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

''(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

''(C) the issuer—

''(i) designates such bond for purposes of this section,

''(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

''(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

''(D) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1400G(g) shall apply for purposes of paragraph (1).

''(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

''(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(iii) services of employees as volunteer mentors,

''(iv) internships, field trips, or other educational opportunities outside the academy for students, or

''(v) any other property or service specified by the local educational agency.

''(3) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

''(C) the comprehensive education plan of such public school or program is approved by the local educational agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(4) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

''(B) acquiring the land on which such facility is to be constructed with part of the proceeds of such issue,

''(C) providing equipment for use at such academy,

''(D) developing course materials for education to be provided at such academy, and

''(E) training teachers and other school personnel in such academy.

''(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

''(A) $400,000,000 for 1998,

''(B) $400,000,000 for 1999,

''(C) $400,000,000 for 2000,

''(D) $400,000,000 for 2001, and

''(C) except as provided in paragraph (3), zero after 2001.

''(2) ALLOCATION OF LIMITATION.—

''(A) ALLOCATION AMONG STATES.—

''(i) 1998 AND 1999 LIMITATIONS.—The national zone academy bond limitations for calendar years 1998 and 1999 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

''(ii) LIMITATION AFTER 1999.—The national zone academy bond limitation for any calendar year after 1999 shall be allocated by the Secretary among the States in the manner prescribed by section 1400G(d); except that in making the allocation under this clause, the Secretary shall take into account—

''(I) Basic Grants attributable to large local educational agencies (as defined in section 1400G(e)(4)).

''(II) the national zone academy bond limitation.

''(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

''(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

''(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the limitation amount under this subsection for any State, exceeds

''(B) the amount of bonds issued during such year which are designated under subsection (a) (or the corresponding provisions of prior law) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years (3 years for carryforwards from 1998 or 1999) following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.''

(c) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1400F(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1400F(d)(2)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''

(d) CONFORMING AMENDMENTS.—

(1) Subchapter U of chapter 1 is amended by striking part IV, by redesignating part V as part IV, and by redesignating section 1397F as section 1397E.

(2) The table of subchapters for chapter 1 is amended by adding at the end the following new item:

''Subchapter X. Public school modernization provisions.''

(3) The table of parts of subchapter U of chapter 1 is amended by striking the last 2 items and inserting the following item:

''Part IV. Regulations.''

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 1999.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—In the case of bonds to which section 1397E of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of this Act) applies, the limitation of such section to eligible taxpayers (as defined in subsection (d)(6) of such section) shall not apply after the date of the enactment of this Act.

SEC. 101C. PUBLIC SCHOOL REPAIR AND RENOVATION.

Title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8501 et seq.) is amended to read as follows:

''TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

''SEC. 12001. FINDINGS.

''Congress finds the following:

''(1) The General Accounting Office estimated in 1995 that it would cost $112,000,000,000 to bring our Nation's school facilities into good overall condition.

''(2) The General Accounting Office also found in 1995 that 60 percent of the Nation's schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

''(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

''(4) School condition is positively correlated with student achievement, according to a number of research studies.

''(5) The results of a recent survey indicate that the condition of schools with large proportions of students living on Indian lands is particularly poor.

''(6) While school repair and renovation are primarily a State and local concern, some States and communities are not, on their own, able to meet the burden of providing adequate school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need. It is, therefore, appropriate for the Federal Government to provide assistance to high-need communities for school repair and renovation.

''SEC. 12002. PURPOSE.

''The purpose of this title is to assist high-need local educational agencies in making urgent repairs and renovations to public school facilities in order to—

''(1) reduce health and safety problems, including violations of State or local fire codes, faced by students; and

''(2) improve the ability of students to learn in their school environment.

''SEC. 12003. AUTHORIZED ACTIVITIES.

''(a) IN GENERAL.—A recipient of a grant or loan under this title shall use the grant or loan funds to carry out the purpose of this title by—

''(1) repairing or replacing roofs, electrical wiring, or plumbing systems;

''(2) repairing, replacing, or installing heating, ventilation, or air conditioning systems;

''(3) ensuring that repairs and renovations under this title comply with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 relating to the accessibility of public school programs to individuals with disabilities; and

''(4) making other types of school repairs and renovations that the Secretary may reasonably determine are urgently needed, particularly projects to correct facilities problems that endanger the health and safety of students and staff such as violations of State or local fire codes.

''(b) LIMITATION.—The Secretary shall not approve an application for a grant or loan under this title unless the applicant demonstrates to the Secretary's satisfaction that the applicant lacks sufficient funds, from other sources, to carry out the repairs or renovations for which the applicant is requesting assistance.

''SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF STUDENTS LIVING ON INDIAN LANDS.

''(a) GRANTS AUTHORIZED.—From funds available under section 12008(a), the Secretary shall award grants to local educational agencies to enable the agencies to carry out the authorized activities described in section 12003 and subsection (e).

''(b) ELIGIBILITY.—A local educational agency is eligible for a grant under this section if the number of children determined under section 8003(a)(1)(C) of this Act for that agency constituted at least 50 percent of the number of children who were in average daily attendance at the schools of the agency during the preceding school year.

''(c) ALLOCATION OF FUNDS.—The Secretary shall allocate funds available to carry out this section to eligible local educational agencies based on their respective numbers of children in average daily attendance who are counted under section 8003(a)(1)(C) of this Act.

''(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

''(1) a statement of how the agency will use the grant funds;

''(2) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs, renovates, or constructs with those funds; and

''(3) such other information and assurances as the Secretary may reasonably require.

''(e) CONSTRUCTION OF NEW SCHOOLS.—In addition to any other activity authorized under section 12003, an eligible local educational agency may use grant funds received under this section to construct a new school if the agency demonstrates to the Secretary's satisfaction that the agency will replace an existing school that is in such poor condition that renovating the school will not be cost-effective.

''SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDUCATIONAL AGENCIES.

''(a) GRANTS AUTHORIZED.—From funds available under section 12008(b)(1), the Secretary shall make grants, on a competitive basis, to local educational agencies with poverty rates of 20 percent or greater to enable the agencies to carry out the authorized activities described in section 12003.

''(b) CRITERIA FOR AWARDING GRANTS.—In making grants under this section, the Secretary shall consider—

''(1) the poverty rate, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

''(2) such other factors as the Secretary determines appropriate.

''(c) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

''(1) a description of the agency's urgent need for school repair and renovation and of how the agency will use funds available under this section to meet those needs;

''(2) information on the fiscal effort that the agency is making in support of education and evidence demonstrating that the agency lacks the capacity to meet the agency's urgent school repair and renovation needs without assistance made available under this section;

''(3) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs or renovates with the assistance; and

''(4) such other information and assurances as the Secretary may reasonably require.

''SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.

''(a) GRANTS AND LOANS.—From funds available under section 12008(b)(2), the Secretary shall make grants, and shall pay the cost of loans made, on a competitive basis, to local educational agencies that lack the ability to fund urgent school repairs without a grant or loan provided under this section, to enable the agencies to carry out the authorized activities described in section 12003.

''(b) LOAN PERIOD.—Each loan under this section shall be for a period of 7 years and shall carry an interest rate of 0 percent.

''(c) CRITERIA FOR MAKING GRANTS AND LOANS.—In making grants and loans under this section, the Secretary shall consider—

''(1) the extent of poverty, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

''(2) such other factors as the Secretary determines appropriate.

''(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant or loan under this section shall submit an application to the Secretary that includes the information described in section 12005(c).

''(e) CREDIT STANDARDS.—In carrying out this section, the Secretary—

''(1) shall not extend credit without finding that there is reasonable assurance of repayment; and

''(2) may use credit enhancement techniques, as appropriate, to reduce the credit risk of loans.

''SEC. 12007. PROGRESS REPORTS.

''The Secretary shall require recipients of grants and loans under this title to submit progress reports and such other information as the Secretary determines necessary to ensure compliance with this title and to evaluate the impact of the activities assisted under this title.

''SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS UNDER SECTION 12004.—For the purpose of making grants under section 12004, there are authorized to be appropriated $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) GRANTS UNDER SECTION 12005 AND GRANTS AND LOANS UNDER SECTION 12006.—For the purpose of making grants under section 12005, and grants and loans under section 12006, there are authorized to be appropriated $1,250,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding 4 fiscal years, of which—

''(1) 10 percent shall be available for grants under section 12005; and

''(2) 90 percent shall be available to make grants and to pay the cost of loans under section 12006.

''(c) LIMITATION ON LOAN VOLUME.—Within the available resources and authority, gross obligations for the principal amount of direct loans offered by the Secretary under

section 12006 for fiscal year 2001 shall not exceed $7,000,000,000, or the amount specified in an applicable appropriations Act, whichever is greater.

"SEC. 12009. DEFINITIONS.

''For the purpose of this title, the following terms have the following meanings:

''(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 14101(18)(A) and (B) of this Act.

''(2) PUBLIC SCHOOL FACILITY.—

''(A) IN GENERAL.—The term 'public school facility' means a public building whose primary purpose is the instruction of public elementary or secondary students.

''(B) EXCLUSIONS.—The term excludes athletic stadiums or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

''(3) REPAIR AND RENOVATION.—The term 'repair and renovation' used with respect to an existing public school facility, means the repair or renovation of the facility without increasing the size of the facility.''.

SEC. 101D. USE OF NET PROCEEDS.

Notwithstanding any other provision of law—

(1) section 439(a) of the General Education Provisions Act shall apply with respect to the construction, reconstruction, rehabilitation, or repair of any school facility to the extent funded by net proceeds obtained through any provision enacted or amended by this Act,

(2) such net proceeds may not be used to fund the construction, reconstruction, rehabilitation, or repair of any stadium or other facility primarily used for athletic or nonacademic events, and

(3) such net proceeds may be used to build small schools or create smaller learning environments within existing public school facilities.

NATIONAL SUSTAINABLE FUELS AND CHEMICALS ACT OF 1999

MURKOWSKI AMENDMENT NO. 2862

Mr. CRAPO (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 935) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes; as follows:

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

"TITLE I—BIOMASS RESEARCH AND DEVELOPMENT ACT OF 1999

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Biomass Research and Development Act of 1999'.

"SEC. 2. FINDINGS.

''Congress finds that—

''(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through improved strategic security and balance of payments, healthier rural economies, improved environmental quality, near-zero net greenhouse gas emissions, technology export, and sustainable resource supply;

''(2) the key technical challenges to be overcome in order for biobased industrial products to be cost competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

''(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near zero net greenhouse gas emissions;

''(40 biobased chemicals—

''(A) can provide functional replacements for essentially all organic chemicals that are currently derived from petroleum; and

''(B) have the clear potential for environmentally benign product life cycles;

''(5) biobased power can provide environmental benefits, promote rural economic development, and diversify energy resource options;

''(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

''(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

''(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

''(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

''(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

''(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

''(A) increasing the confidence and speed with which new technologies can be scaled up; and

''(B) giving rise to processing innovations based on new knowledge;

''(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

''(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

''(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

''(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

''(13) several prominent studies, including studies by the President's Council of Advisors on Science and Technology and the National Research Council—

''(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

''(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

"SEC. 3. DEFINITIONS.

''In this title:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 6.

''(2) BIOBASED INDUSTRIAL PRODUCT.—The term 'biobased industrial product' means fuels, commercial chemicals, building materials, or electric power or heat produced from biomass.

''(3) BIOMASS.—The term 'biomass' means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes and other waste materials.

''(4) BOARD.—The term 'Board' means the Biomass Research and Development Board established by section 5.

''(5) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Research Initiative established under section 7.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

''(7) NATIONAL LABORATORY.—The term 'national laboratory' means a facility or group of facilities owned, leased, or operated by a Federal agency (including a contractor of the Federal agency) for the performance of research, development, or engineering.

''(8) POINT OF CONTACT.—The term 'point of contact' means a point of contact designated under section 4(d).

''(9) PROCESSING.—The term 'processing' means the derivation of biobased industrial products from biomass, including—

''(A) feedstock production;

''(B) harvest and handling;

''(C) pretreatment or thermochemical processing;

''(D) fermentation;

''(E) catalytic processing;

''(F) product recovery; and

''(G) coproduct production.

"SEC. 4. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased industrial products.

''(b) PURPOSE.—The purpose of the cooperation and coordination shall be to—

''(1) understand the key mechanisms underlying the recalcitrance of biomass for conversion into biobased industrial products;

''(2) develop new and cost-effective technologies that would result in large-scale commercial production of low cost and sustainable biobased industrial products;

''(3) ensure that biobased industrial products are developed in a manner that enhances their economic, energy security, and environmental benefits; and

''(4) promote the development and use of agricultural and energy crops for conversion into biobased industrial products.

''(c) AREAS.—In carrying out this title, the Secretary of Agriculture and the Secretary of Energy, in consultation with heads of appropriate departments and agencies, shall promote research and development to—

''(1) advance the availability and widespread use of energy efficient, economically competitive, and environmentally sound biobased industrial products in a manner that is consistent with the goals of the United States relating to sustainable and secure supplies of food, chemicals, and fuel;

''(2) ensure full consideration of Federal land and land management programs as potential feedstock resources for biobased industrial products; and

''(3) assess the environmental, economic, and social impact of production of biobased

industrial products from biomass on a large scale.

''(d) POINTS OF CONTACT.—

''(1) IN GENERAL.—To coordinate research and development programs and activities relating to biobased industrial products that are carried out by their respective Departments—

''(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

''(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

''(2) DUTIES.—The points of contact shall jointly—

''(A) assist in arranging interlaboratory and site-specific supplemental agreements for research, development, and demonstration projects relating to biobased industrial products;

''(B) serve as cochairpersons of the Board;

''(C) administer the Initiative; and

''(D) respond in writing to each recommendation of the Advisory Committee made under section 6.

''SEC. 5. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

''(a) ESTABLISHMENT.—There is established the Biomass Research and Development Board to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products by—

''(1) maximizing the benefits deriving from Federal grants and assistance; and

''(2) bringing coherence to Federal strategic planning.

''(b) MEMBERSHIP.—The Board shall consist of:

''(1) The point of contact of the Department of Energy designated under section 4(d)(1)(B), who shall serve as cochairperson of the Board.

''(2) The point of contact of the Department of Agriculture designated under section 4(d)(1)(A), who shall serve as cochairperson of the Board.

''(3) A senior officer of each of the following agencies who is appointed by the head of the agency and who has a rank that is equivalent to the points of contact:

''(A) The Department of the Interior.

''(B) The Environmental Protection Agency.

''(C) The National Science Foundation.

''(D) The Office of Science and Technology Policy.

''(4) At the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with members described in paragraph (1) through (3)).

''(c) DUTIES.—The Board shall—

''(1) coordinate research, development, and demonstration activities relating to biobased industrial products—

''(A) between the Department of Agriculture and the Department of Energy; and

''(B) with other departments and agencies of the Federal Government; and

''(2) provide recommendations to the points of contact concerning administration of this title.

''(d) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this title.

''(e) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under subsection (c).

''SEC. 6. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee to—

''(1) advise the Secretary of Energy, the Secretary of Agriculture and the points of contact concerning—

''(A) the technical focus and direction of requests for proposals issued under the Initiative; and

''(B) procedures for reviewing and evaluating the proposals;

''(2) facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

''(3) evaluate and perform strategic planning on program activities relating to the Initiative.

''(b) MEMBERSHIP.—The Committee shall consist of the following members appointed by the points of contact:

''(1) An individual affiliated with the biobased industrial products Industry.

''(2) An individual affiliated with an institution of higher education who has expertise in biobased industrial products.

''(3) 2 prominent engineers or scientists from government or academia who have expertise in biobased industrial products.

''(4) An individual affiliated with a commodity trade association.

''(5) An individual affiliated with an environmental or conservation organization.

''(6) An individual associated with State government who has expertise in biobased industrial products.

''(7) At the option of the points of contact, other members.

''(c) DUTIES.—The Advisory Committee shall—

''(1) above the points of contact with respect to the Initiative; and

''(2) evaluate whether, and make recommendations in writing to the Board to ensure that—

''(A) funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative;

''(B) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers; and

''(C) activities under this title are carried out in accordance with this title.

''(d) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee under subsection (c).

''SEC. 7. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

''(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively-awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on biobased industrial products.

''(b) PURPOSES.—The purposes of grants, contracts, and assistance under this section shall be to—

''(1) stimulate collaborative activities by a diverse range of experts in all aspects of biomass processing for the purpose of conducting fundamental and innovation-targeted research and technology development;

''(2) enhance creative and imaginative approaches toward biomass processing that will serve to develop the next generation of advanced technologies making possible low cost and substainable industrial products;

''(3) strengthen the intellectual resources of the United States through the training and education of future scientists, engineers, managers, and business leaders in the field of biomass processing; and

''(4) promote integrated research partnerships among colleges, universities, national laboratories, Federal and State research agencies, and the private sector as the best means of overcoming technical challenges that span multiple research and engineering disciplines and of granting better leverage from limited Federal research funds.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

''(A) an institution of higher education;

''(B) a national laboratory;

''(C) a Federal research agency;

''(D) a State research agency;

''(E) a private sector entity;

''(F) a nonprofit organization; or

''(G) a consortium of 2 or more entities described in subparagraphs (A) through (E).

''(2) ADMINISTRATION.—After consultation with the Board, the Points of Contact, on behalf of the Board, shall—

''(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

''(B) establish a priority in grants, contracts, and assistance under this section for research that—

''(i) demonstrates potential for significant advances in biomass processing;

''(ii) demonstrates potential to substantially impact scale-sensitive national objectives such as sustainable resource supply, reduced greenhouse gas emissions, healthier rural economies, and improved strategic security and trade balances; and

''(iii) would improve knowledge of important biomass processing systems that demonstrate potential for commercial applications;

''(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

''(D) give preference to applications that—

''(i) involve a consortia of experts from multiple institutions; and

''(ii) encourage the integration of disciplines and application of the best technical resources.

''(d) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or assistance under this section may be used to conduct—

''(1) research on process technology for overcoming the recalcitrance of biomass, including research on key mechanisms, advanced technologies, and demonstration test beds for—

''(A) feedstock pretreatment and hydrolysis of cellulose and hemicellulose, including new technologies for—

''(i) enhanced sugar yields;

''(ii) lower overall chemical use;

''(iii) less costly materials; and

''(iv) cost reduction;

''(B) development of novel organisms and other approaches to substantially lower the cost of cellulase enzymes and enzymatic hydrolysis, including dedicated cellulase production and consolidated bioprocessing strategies; and

''(C) approaches other than enzymatic hydrolysis for overcoming the recalcitrance of cellulosic biomass;

''(2) research on technologies for diversifying the range of products that can be efficiently and cost-competitively produced from biomass, including research on—

''(A) metabolic engineering of biological systems (including the safe use of genetically modified crops) to produce novel products, especially commodity products, or to increase product selectivity and tolerance, with a research priority on the development of biobased industrial products that can compete in performance and cost with fossil-based products;

''(B) catalytic processing to convert intermediates of biomass processing into products of interest;

''(C) separation technologies for cost-effective product recovery and purification;

''(D) approaches other than metabolic engineering and catalytic conversion of intermediates of biomass processing;

''(E) advanced biomass gasification technologies, including coproduction of power and heat as an integrated component of biomass processing, with the possibility of generating excess electricity for sale; and

''(F) related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass; and

''(3) research aimed at ensuring the environmental performance and economic viability of biobased industrial products and their raw material input of biomass when considered as an integrated system, including research on—

''(A) the analysis of, and strategies to enhance, the environmental performance and sustainability of biobased industrial products, including research on—

''(i) accurate measurement and analysis of greenhouse gas emissions, carbon sequestration, and carbon cycling in relation to the life cycle of biobased industrial products and feedstocks with respect to other alternatives;

''(ii) evaluation of current and future biomass resource availability;

''(iii) development and analysis of land management practices and alternative biomass cropping systems that ensure the environmental performance and sustainability of biomass production and harvesting;

''(iv) land, air, water, and biodiversity impacts of large-scale biomass production, processing, and use of biobased industrial products relative to other alternatives; and

''(v) biomass gasification and combustion to produce electricity;

''(B) the analysis of, and strategies to enhance, the economic viability of biobased industrial products, including research on—

''(i) the cost of the required process technology;

''(ii) the impact of coproducts, including food, animal feed, and fiber, on biobased industrial product price and large-scale economic viability; and

''(iii) interactions between an emergent biomass refining industry and the petrochemical refining infrastructure; and

''(C) the field and laboratory research related to feedstock production with the interrelated goals of enhancing the sustainability, increasing productivity, and decreasing the cost of biomass processing, including research on—

''(i) altering biomass to make biomass easier and less expensive to process;

''(ii) existing and new agricultural and energy crops that provide a sustainable resource for conversion to biobased industrial products while simultaneously serving as a source for coproducts such as food, animal feed, and fiber;

''(iii) improved technologies for harvest, collection, transport, storage, and handling of crop and residue feedstocks; and

''(iv) development of economically viable cropping systems that improve the conservation and restoration of marginal land; or

''(4) Any research and development in technologies or processes determined by the Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, to be consistent with the purposes described in subsection (b) and priorities described in subsection (c)(2)(B).

''(e) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—

''(1) IN GENERAL.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through their respective Services, as appropriate.

''(2) REPORT.—Not later than 5 years after the date of enactment of this title, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall report to the committees of Congress with jurisdiction over the Initiative on the activities conducted by the Services under this subsection.

''(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to funding provided for biomass research and development under the general authority of the Secretary of Energy to conduct research and development and demonstration programs (which may also be used to carry out this title), there are also authorized to be appropriated $49,000,000 to the Department of Agriculture for each of the fiscal years 2000 through 2005 to carry out this title.

''SEC. 8. ADMINISTRATIVE SUPPORT AND FUNDS.

''(a) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under subsection (b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out this title.

''(b) OTHER AGENCIES.—The heads of the agencies referred to, or appointed under, paragraphs (3) and (4) of section 5(b) may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

''SEC. 9. REPORTS.

''For each fiscal year that funds are made available to carry out this title, the Secretary of Agriculture and the Secretary of Energy shall jointly transmit to Congress a detailed report on—

''(1) the status and progress of the Initiative, including a certification from the Board that funds authorized for the Initiative and distributed and used in a manner that is consistent with the goals of the Initiative; and

''(2) the general status of cooperation and research efforts carried out by each Secretary with respect to sustainable fuels, chemicals, and electricity derived from biomass, including a certification from the Board that the points of contact are funding proposals that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers.

''SEC. 10. SUNSET.

''This Act and the authority conferred by this Act shall terminate on December 31, 2005.

''TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ETHANOL RESEARCH PILOT PLANT

''There are authorized to be appropriated to construct a Department of Agriculture corn-based ethanol research pilot plant a total of $14,000,000 for fiscal year 2000 and subsequent fiscal years.''.

SEC. 2. TITLE.

Amend the title as to read: ''To authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.''

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources to consider the President's proposed FY 2001 budget for the U.S. Forest Service. The hearing will be held on Tuesday, February 29, 2000, beginning at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish to submit written statements, should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey, Professional Staff Member, at (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, February 29, 2000, in open session, to receive testimony from the unified commanders on their military strategy and operational requirements in review of the defense authorization request for fiscal year 2001 and the future years defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 29, 2000, to conduct a hearing on ''the financial marketplace of the future.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 29, at 2:30 p.m., to conduct an oversight hearing. The committee will consider the President's proposed budget for FY2001 for the U.S. Forest Service.

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

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the

Senate on Tuesday, February 29 at 10:00 a.m. to hear testimony regarding Competition in the Medicare Program.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 10:30 am to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 2:30 p.m. to markup the Committee's letter to the Budget Committee regarding funding for Indian programs for FY 2001. The meeting will be held in the Committee room, 485 Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, February 29, 2000 at 1:00 p.m., in SD–226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 29 at 9:30 a.m. to conduct an oversight hearing. The subcommittee will consider the President's proposed budget for FY2001 for National Park Service programs and operations.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 9:30 a.m. in open session to receive testimony on the Department of Energy's fiscal year 2001 budget request for the Office of Environmental Management in review of the fiscal year 2001 defense authorization request and the future years defense program.

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

TRIBUTE TO STEVE HIGDON

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to fellow Kentuckian Steve Higdon on his recent success in becoming president and chief executive officer of Greater Louisville, Inc.

Steve Higdon grew up in Hikes Point and graduated from Trinity High School. He received a bachelor's degree in business administration from the University of Kentucky and began work with Yellow Freight Systems in Louisville after college.

Steve made his way to the top of the Louisville business world through hard work and determination. After his work at Yellow Freight Systems, he held several positions of leadership within the United Parcel Service (UPS), including economic development manager. Steve's work at UPS led to his involvement with Greater Louisville, Inc., and to his being hired as executive vice president for economic development and chief operating officer.

Many of Steve's colleagues have noted his extraordinary leadership skills. Steve's co-workers at UPS and colleagues within Greater Louisville, Inc. have all spoken of his drive and ambition, his work ethic and intelligence. From everything I've observed, Steve deserves all of these compliments—and more. He has taken on a huge responsibility in the Louisville community, and his past experience and success is a sign of good things to come for the city, its residents and its workers.

Steve also is involved in efforts to build a better Louisville community. He holds positions on the Workforce Investment Board, Housing Partnership Board, Kentucky Industrial Development Council, Industrial Development Research Council, and the Trinity High School Alumni association. This is further evidence that Steve's commitment to the community goes beyond mere business interests—he genuinely cares about Louisville's children and families.

Steve, on behalf of my colleagues and myself, thank you for your dedicated service to Louisville and to the people of Kentucky. I have every confidence in your ability to lead Greater Louisville, Inc. and its efforts to build great accomplishments and successes in the years to come.

Mr. President, I also ask that an article which ran in the Louisville Courier-Journal on Sunday, January 30, 2000, appear in the record following my remarks.

The article follows:

[From the Louisville Courier-Journal, Jan. 30, 2000]

GREATER LOUISVILLE GREW NEW LEADER FROM THE INSIDE—STEVE HIGDON LOVES TO DEAL WITH PEOPLE

(By David Goetz)

Steve Higdon, the new man in charge of Louisville's economic future, speaks the language of development in a broadcast-quality baritone. He moves seamlessly from discussions of work-force issues to business retention to the prospects of city-county merger.

But if you watch him speak as well as listen, you can catch glimpses in his gestures of the airport baggage handler he was not too many years ago. He seems to grab his words as he speaks them bracketing them between his hands or rolling them up in front of him. Then he hands them to you, or takes them to heart, or just places them here and there like a man sorting bundles.

Higdon, 37, is the new president and chief executive officer of Greater Louisville, Inc., a hometown guy whose love of long distances shaped a business career in shipping and distribution that never took him very far from home.

He's not too far removed in years or though from the college graduate of 1987 who found himself bossing men twice his age on the loading dock of Yellow Freight Systems at 35th and Duvall streets in Louisville.

''It was the most stressful job I've ever had,'' Higdon recalled last week in his modest new office, a passable view of Sixth Street over his shoulder, business cards on his desk still identifying him in his former job as the non-profit corporation's head of economic development.

''I was very young and green, there were the hours, managing Teamsters whose average on the job was 25 to 30 years,'' Higdon continued. ''The productivity goals were extremely tough.''

He was young and it would have been easy to quit, Higdon said, but he had already developed a sense of having a career rather than just a job.

''I didn't know what the career was, but I knew I would have to be responsible,'' he said. ''I knew I would have to work my way through it.''

It was the beginning of a career that eventually placed Higdon with air carrier UPS and brought him into contact with the old Greater Louisville Economic Development Partnership.

There he garnered the notice and respect of entrepreneur Doug Cobb, who had signed on as president of Greater Louisville Inc., in 1997 when the partnership merged with the Chamber of Commerce to create a unified front for Louisville's business-support and economic-development efforts.

Cobb said he wasn't intentionally grooming a successor when he hired Higdon to run the development side of Greater Louisville Inc., in 1997.

''I called Steve because he had a good idea of what was going on'' in Louisville, Cobb said. ''But when you find out what people can do and you ask them to do more, which they do well, they just naturally grow into leadership.''

Higdon is ''maybe the most impressive executive I've ever worked with,'' Cobb said. ''He's a great organizer. He knows how to figure out what needs to be done and get it done. He's good judge of talent.''

Higdon has ''a lot of the leadership characteristics that make the difference,'' said LG&E Energy Corp. executive Steve Wood, chairman of Greater Louisville, Inc.'s economic development committee.

''To be a successful executive, you have to out-work and out-think the competition, in this case, other jurisdictions competing for new business,'' Wood said. ''I don't think you can outwork him. His energy level's extremely high, and he's as bright as they come.''

Retired banker and civic leader Malcolm Chancey advocated a broader, national search for Cobb's successor, but he praised Higdon's energy and talent.

''If he has the right kind of support, he'll be successful,'' Chancey said. ''I hope everybody will support him. I certainly will.''

Higdon grew up one of four kids in a house off Klondike Lane near Hikes Point. His father was a photoengraver at the old Standard Gravure printing plant.

The Rev. David Zettel, a counselor at Trinity High School, remembers Higdon as bright, gregarious and outgoing. ''He smiled a lot,'' Zettle said.

Higdon was ''more social than most smart guys.'' and he had the ability to befriend any group, said friend Tom Scanlon, now president of ScanSteel Service Center Inc. in Louisville.

Scanlon remembers exchanging words with students from a rival school in the parking lot one night after a football game. Then Higdon walked over to them.

''What looked like it was going to turn into a fight, 30 minutes later we were sitting on the hood of their car drinking beer with them,'' Scanlon said. ''He has a look in his eye and you trust him.''

Higdon started out in accounting at the University of Kentucky but found marketing more to his taste. ''It was exciting. It was fun. It was creative,'' he said. ''You got these marketing problems and there were 30, 40, 50 different ways to come up with a solution.''

He had never been on a plane before, but on a whim Higdon left a summer job before his senior year to fly with a co-worker to Europe. He visited 13 countries on about $4 a day, he said, and discovered a personal maturity and a love of travel that have marked his career since.

His first job out of college was as a part-time baggage handler for Piedmont Airlines in Louisville—not for the $6 an hour, Higdon said, but for the free flights, employees got if the planes weren't full.

''I flew 100,000 miles that year. We'd fly out to L.A. for ladies night at the Red Onion, fly to Miami for the Super Bowl, all we did was travel—it was so much fun,'' he said. ''I've worked for an airline most of my life since. Travel is the spice of life.''

Even the full-time jobs at Yellow Freight and Emery Worldwide that followed had a touch of the exotic for Higdon. ''Every piece of freight had a destination or an origin in cities all over the world,'' he said.

He was a sales manager for the local office of Emery parent CF Airfreight when UPS won landing rights in Japan and hired him to run the Louisville office of its new UniStar cargo company. His charge was finding enough freight customers to fill the overnight package-delivery jets flying to and from Japan.

''I was one of the first people hired to a significant management position from outside UPS,'' Higdon said. ''In less than two years this was the most profitable of their 40 offices in the U.S.''

UPS later named Higdon the first marketing manager of its own air-cargo division and had him create its first air-passenger charter service.

''In a real sense I've been like a corporate entrepreneur,'' Higdon said. ''Every job I've had (with UPS) was a new job. I never went into a position where I was replacing somebody.''

Doug Kuelpman, a former boss at UPS, said Higdon ''understands the business world and what has to be done. He has a knack.

''I never had to tell Steve more than once about doing something, even in areas where he may not have felt well-equipped going into it. He's the kind of guy who likes to put his head down and charge.''

In 1995, UPS ''loaned'' Higdon to the development partnership to help recruit transportation-intensive businesses. Louisville Mayor Dave Armstrong was county judge-executive at the time and worked with Higdon in an unsuccessful attempt to lure a new Harley-Davidson manufacturing plant to the area.

''We were out of the picture altogether'' when he and Higdon went to work on the project, but in the end, ''we were barely edged out'' by Kansas City, Armstrong said. ''He did a great job with that.''

Higdon concentrated on a strategy for attracting high-tech industries and recruited seven computer-repair firms with 700 jobs by the end of 1996.

But while he loved his work, Higdon said, ''there was never a time I felt this is where I want to be.'' The following year he went to Cobb for advice on starting his own company.

Instead, Cobb hired Higdon to head the business-attraction efforts of what had become Greater Louisville Inc.

His first day on the job, Oct. 8, 1997, Higdon told Cobb that UPS was planning to expand its operations and was seriously considering Columbus, Ohio, as the site.

That conversation resulted in five months of intensive negotiations that ended with the announcement that the $1 billion expansion and its 6,000 jobs were ticketed for Louisville.

As a former UPS insider, Higdon had ''a good sense of what was going on'' inside the company, Cobb said, and he played ''a huge role'' in the negotiations' success.

Higdon is credited with helping develop the innovative Metropolitan College concept that lets UPS package handlers work their night shifts while attending college.

When Cobb said last fall that he wanted to step down as president and CEO, the board of directors decided to look internally for a successor, said Ed Glasscock, chairman of the board's search committee. The aim was to maintain momentum and avoid a long adjustment period under a new executive.

They chose Higdon.

''It's not fair to characterize it as Doug naming his successor. We asked Doug for his recommendations,'' Glasscock said. ''You had a number of independent business people on the search committee who reviewed the job description and Steve's background. We felt he matched up, not because Doug said he was the perfect candidate. We came to that conclusion independently.''

Choosing a successor internally is not unusual in corporations, Higdon said, and, under Cobb, Greater Louisville Inc. adopted the corporate model in its structure and thinking.

''That's why we're successful,'' he said. ''The mentality is we're all running a business here.''

Running a business—his own—is still on Higdon's mind, though it's been pushed into the indefinite future. He said he is committed to his new job for at least three years and that has its rewards.

''I love dealing with people more than anything,'' he said. ''Since I was a kid I loved to be out among people.''●

IN MEMORY OF GEORGE A. ATHANSON

● Mr. DODD. Mr. President, on January 11, 2000, with the passing of George A. Athanson, the state of Connecticut lost a faithful and companionate public servant and one of its most colorful political figures in recent memory. Often called the ''people's mayor,'' George was one of the longest serving and most beloved mayors in the history of Hartford, Connecticut. I would like to take a few moments to reflect on his many contributions to the city of Hartford.

George Athanson was a product of the city he came to love and serve so well. A Hartford-born son of Greek heritage, he attended Hartford Public High School, where his intelligence and personal charm won him the admiration of his peers and teachers alike. He went on to Amherst College where he graduated cum laude with a degree in political science. Following a short stint in the Marines, George returned to academia, this time to the University of Chicago law school where he received a law degree in 1955. George would also earn a masters in international relations from the University of Connecticut in 1958.

George's love for his home town and affinity for learning lead him to teaching at the University of Hartford. As a professor of history and political science, George was known for a dramatic flair that enlivened his classes—a flair that George would bring to the mayor's office with his election in 1971. His magnetic personality, energy, creativity and verve for the dramatic contributed to his tremendous popularity and resulted in one of the longest mayoral tenures in Hartford's history, from 1971 to 1981.

He considered himself a liberal Democrat and was confident that government could play a role in solving social and economic problems. George was a colorful politician with a flamboyant style. While he was hard working, his efforts were often overshadowed by the creative and novel actions he undertook to promote the city. On one occasion, George rowed across the Connecticut River holding a state flag and dressed as George Washington to protest a General Assembly vote. On another occasion, he stepped into a boxing ring with a Republican opponent to raise money for charity. And in perhaps his best known act of political theater, George showed up to promote development at Brainard Airport in Hartford dressed as the Red Baron and climbed into the cockpit of a bi-plane for photographers.

It wasn't these dramatics that made George Athanson so popular, however, but his underlying dedication to the city of Hartford. He humanized the mayor's office. George was a man of great personal strength and he used his talent and energy to bring the city together. He built and maintained lines of communication among the city's diverse racial and ethnic communities and in the process became the people's mayor.

It was fitting that in his final days in office, George continued what had become a tradition during his tenure, the delivery of the annual New Year's poem. The poems were symbolic of the man who composed them—witty, humorous and full of political insight. With tears in his eyes, George delivered his last New Year's poem in 1981 entitled Ode to the People of Hartford, which read in part:

Those stunts for charity, I did my part
''Buffoon,'' critics said, but where's THEIR heart?
Resolutions by the thousands, I've made my mark

Now it's time for a stroll through the park.

Indeed, George did leave his mark. He will long be remembered as a political leader of great insight, compassion, wit, and enduring affection for the people he felt so privileged to serve. My thoughts and prayers go out to his wife of 37 years, Zoe, and their son Arthur.●

CONGRATULATING THE COMMUNITY OF FILLMORE

● Mr. MOYNIHAN. Mr. President, I rise to offer my congratulations to the community of Fillmore, New York on the occasion of its sesquicentennial, and to wish them great success with their May 27 to 29 celebration of this milestone.

What is now Fillmore was originally a small settlement nestled into the corner where Cold Creek joins the Genesee River. The land was once part of the Caneadea Indian Reservation. By 1826, the Seneca Indians, who owned the land, had sold off all of the reservation. In 1850, during the Presidency of Millard Fillmore, the second New York State native to hold that distinguished office, a post office was established. Local lore has it that the citizens decided to name the settlement Fillmore in order to convince the government to establish the post office.

The first settlers were attracted to the area by timber, but the building of the Genesee Valley Canal Line connecting the Erie Canal to the Allegany River brought an economic boom to all the areas along the line, including Fillmore. With its fertile soil, the Community eventually also became a farming area.

The citizens of Fillmore are proud of their backgrounds, their community, their State and their country. It is a community with a strong work ethic. It places a high priority on education and for years has supported a superior school system that is the envy of many larger communities. It is proud of the success of its young people, both those who leave and those who stay and believes that the values instilled by the citizens of the community is one of the reasons their young people are successful in their careers, be they farmers or educators in Fillmore, government workers in Washington, business leaders in Fillmore or across the country, or professors in America's great colleges and universities.

Fillmore has contributed many of its finest young men and women to serve this country in war and peace. All of them have served their country and their community with distinction and honor. During the Memorial Day weekend sesquicentennial celebration, Fillmore will remember with pride all of those service men and women who have served and are serving. It will pay special homage to those whose service required the ultimate sacrifice.

The community is planning for its future. It is hopeful of attracting new and modern businesses to the community. It is developing community projects to improve key services and improve the environment. It intends to continue to improve its already outstanding public school by adding any needed facilities and continuing to attract outstanding teachers.

It is anticipating with excitement its next 150 years.●

THE FOURTH ANNIVERSARY OF THE 1996 TELECOMMUNICATIONS ACT

● Mr. SCHUMER. Mr. President, 4 years ago, Congress passed a landmark measure, the Telecommunications Act of 1996. This bill was passed in an attempt to break down some of the regulatory barriers among various communications sectors. It is one of the sparks that ignited our booming new economy in this information technology age.

In New York especially, the 1996 law has created competition in local telephone networks, areas previously dominated by monopolies. After an 18 month marathon of hard work by the New York State Public Service Commission and a thorough review by the Federal Communications Commission, Bell Atlantic became the first Bell operating company in the country to offer long distance service. Already, nearly one million New Yorkers have exercised their right to choose a new local telephone company. Creative new packages of local/long distance and ''all distance'' telecom services are being offered by many different carriers. To date, there are more than 350 competitive local exchange carriers, CLECs, in the country that are able to provide local telephone service, furthering consumer choice options.

Competition and innovation is working as we intended with the Telecom Act, and our experience in New York is proof positive.

I commend Bell Atlantic, the newer carriers on the scene, and our own New York State Public Service Commission Chairman Maureen Helmer and her team for their hard work in bringing the benefits of competition to all New Yorkers. It has been well worth the effort, and provides a valuable road map to competition for other States.●

TRIBUTE TO LLOYD REDMAN

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Lloyd Redman on the occasion of a special recognition of his commitment to Kentucky's youth.

Lloyd Redman has led a life that is certainly worthy of recognition. First and foremost, Lloyd is a dedicated family man. He and his wife of 55 years, Loretta, are the proud parents of two children, who have blessed them with three grandchildren and one great grandchild.

Lloyd also is a tried and true Kentuckian. He grew up in Kentucky and played basketball and football at Okalona High School. After high school Lloyd played football for Western Kentucky University and the University of Louisville, where he received a bachelor of science degree in 1949, and a masters degree in 1955. Lloyd's football talent also earned him a place on the 1944 U.S. Navy team. Lloyd was skilled at baseball too, and served as captain of the U of L baseball team in 1949. He gave a great deal of his time and energy playing and coaching sports in Kentucky. Lloyd has coached at Okalona High School, Southern High School, and Durrett High School and was named ''Jefferson County Football Coach of the Year'' in 1959. He also coached football, basketball and softball at The Cabbage Patch for eleven years. Lloyd currently works with the Cabbage Patch Settlement House in Louisville to help provide athletic, arts and educational programs for children.

While Lloyd obviously loves youth athletics, he is equally as concerned for the educational well-being of Kentucky's children. He received administration certification from Eastern Kentucky University in 1962, and served in numerous administrative positions within the Jefferson County school system including director of adult education and administrative problems, assistant and associate superintendent, and he currently serves as a consultant at the Kentucky State Department of Education.

Lloyd Redman has had a positive influence on Kentucky's youth throughout his many years as administrator, coach, and mentor—and I am certain his concern for and service to the community and its children will not end here. Lloyd, on behalf of my colleagues and myself, thank you for your service and congratulations on your worthy efforts.●

IN RECOGNITION OF SENATOR ALAN CRANSTON

● Mrs. BOXER. Mr. President, it is my pleasure today to inform my colleagues of the recent achievement of a friend and former member of this body, Senator Alan Cranston. On Tuesday March 14, 2000, in San Francisco, Senator Cranston will receive the prestigious W. Averell Harriman Award from the Lawyers Alliance for World Security for his tireless efforts to achieve a safer, more peaceful world.

Alan Cranston served the people of California in the United States Senate, in the seat I now occupy, for 24 years. During this time he distinguished himself as one of this institution's most passionate and effective voices for the rights of ordinary people. From protecting a woman's right to choose, to fighting for adequate and affordable housing, to making certain our veterans are treated with the respect they deserve, Senator Cranston devoted his career to making this nation a stronger, more decent place.

One of the most important ways he set about making his vision for a better America a reality was by not limiting his efforts to these shores alone.

Alan Cranston is very much a citizen of the world. Having witnessed the devastation of war in Europe and Japan, he has always acted on the belief that America's future cannot be guaranteed unless the world's is. And nothing threatens global security more than the continuing prevalence and proliferation of nuclear weapons.

There are few people who are more dedicated to the reduction and elimination of nuclear weapons than Alan Cranston. So deeply does he feel about this issue that he has made it his life's work. In 1995, with the guidance of President Mikhail Gorbachev and others, he launched the Nuclear Weapon Elimination Initiative. From this initial blueprint sprang the Global Security Institute. As its president, Senator Cranston and GSI are committed to educating the people of the world and their leaders about the enormous threats posed by nuclear weapons.

It is for his work with GSI, and indeed his literal lifetime of commitment to global peace, that Senator Cranston so richly deserves the W. Averell Harriman Award. Few men or women have done so much to secure a safe future for all the people of the world.●

RETIREMENT OF ROBERT DONOVAN

● Mr. DODD. Mr. President, it is with great pleasure that I rise today to recognize the 33 years of dedicated government service of Mr. Robert Donovan of Connecticut. His retirement from the Department of Housing and Urban Development on February 3, 2000 marks the end of a distinguished and highly esteemed career in public service.

In September of 1968, Mr. Donovan began his career with the Department of Housing and Urban Development as a Housing Intern in the Philadelphia Office. Two years later he moved to Hartford, Connecticut to become an Urban Renewal Representative. Over the next thirty years Mr. Donovan's dedication and commitment guided him through various roles within the Department, such as the Director of the Housing Management Division and the Director of the Multifamily Housing Division. He retired as a member of the leadership team of the Connecticut Multifamily Program Center.

For the better part of his adult life, Bob worked on behalf of countless Connecticut families. He believed that a safe, affordable home should be attainable for those who are committed to working for it. A home is more than just bricks and boards, it represents an opportunity for betterment and is the foundation for success. Bob's efforts day in and day out made that opportunity a possibility for Connecticut's citizens.

In each role that he assumed, be it representative or director, Bob remained responsive to the people he served. As a result, Bob has received a number of performance awards and accolades throughout his HUD career. He has displayed a talent for leadership and a strong dedication to service—qualities that will be missed now that he embarks upon the next chapter of his life.

It is my pleasure to add my voice to the many others who have recognized Bob's contribution to the Connecticut community. On behalf of the people of Connecticut, I am proud to thank Bob for thirty-three years of devoted service and I wish him will in his future endeavors.●

WTO APPELLATE DECISION ON FOREIGN SALES CORPORATIONS

● Mr. BAUCUS. Mr. President, I rise today to address a very serious development in foreign trade. It is a development which hurts American interests. It has been brewing for quite some time, and it finally came to a head last week in Geneva. A World Trade Organization (WTO) appeals panel ruled against us in a case the European Union brought against American tax law.

The ruling was not a complete surprise. A few months ago, the WTO ruled that our laws for Foreign Sales Corporations, usually known as FSC's, are illegal export subsidies. We appealed that decision. We lost the appeal. The WTO said that we have until October 1 of this year to come into compliance with the ruling.

Why is the WTO dealing with this case to begin with? Why isn't it sticking to its mandate, which is international trade, and stay out of tax matters?

The EU brought this case to the WTO 2 years ago. In doing so, Europe broke an agreement with us that dates back to 1981. Congress passed the FSC in 1984. I remember very well all the work that we put into crafting the rules to place U.S. exports on a more equal footing with European competition. In crafting the rules, we relied on that 1981 understanding with the EU. It confirmed that foreign source income need not be taxed, and that failing to tax such income is not a subsidy. European exporters are not taxed on such income, and they enjoy value added tax rebates on exports as well.

This case is just another step in a European Union campaign which undermines the world trading system.

We saw it very clearly last year in the run-up to the Seattle ministerial. EU leaders tried in every way they could to avoid coming to the table to talk seriously about their number one problem: agriculture.

First, they started a public relations campaign to downplay expectations. In a number of meetings, they hinted that the Seattle talks would probably fail. Second, they tried to overload the negotiating agenda. They wanted to turn the trade talks into such a complex undertaking that we would never get to the real problem: EU agriculture. Third, they stalled in Geneva, so there wasn't any agreement on the scope of agriculture talks in Seattle. In 1995, they agreed to start agriculture talks in January 2000. But they wanted to put off getting down to business for as long as possible.

They are still trying to put it off. Putting it off hurts American farmers and agro-business. Putting it off hurts developing countries. Putting it off even hurts Europe itself in the long term. It just undermines confidence in the world trading system.

This FSC case makes things worse. Let's be very clear on what's going on here. We can set aside the European rhetoric about ''respecting international obligations'' in tax policy. That's not what this case is about. If the EU were serious about ''respect for international obligations,'' it would take a close look at the tax policies of its members. This case is not about respecting international obligations.

This case is not about tax policy. If the EU were seriously concerned about the trade effects of tax policy, it wouldn't file a case in the World Trade Organization. That's no way to fix an international tax problem. Instead, it would seek multi-party talks in an organization like the OECD or the UN. But the EU doesn't really care about tax policy in this case.

This case is not even about money. The EU has no real commercial interest at stake here. They haven't demonstrated any appreciable adverse impact on European companies from US tax laws. In fact, a number of European companies benefit from FSC! They have domestic subsidiaries in the United States, and these subsidiaries have set up Foreign Sales Corporations.

So what is this case about? It's about revenge. Pure, simple revenge. The Eurocrats want revenge for losing WTO disputes with the United States over bananas and beef. That's an open secret. Everyone knows where this case came from. It didn't come from European manufacturers facing unfair competition from US firms because of FSC. It didn't come from European banks. Or from European consumers. Or from European farmers. It didn't come from the members states. It came from EU bureaucrats, the gnomes of Brussels.

They were angry over losing the beef and banana disputes with the United States. The cases were long and hard. They took years. The EU fought us all the way. They lost at every turn, because we were in the right. When they refused to correct their illegal policies, the WTO authorized us to retaliate legally. And we did.

For revenge, the Eurocrats wanted to poke us in the eye, and show us that they could hurt us. So they took this case, which had been sitting on their shelf for years. They dusted it off and sent it to the WTO, despite our 1981 agreement with them on tax policy.

Well, they're playing with fire. Using the WTO as an instrument of revenge is dangerous for them, and dangerous for us. The WTO is a five-year old child. Its

dispute settlement system is still young and fragile. The FSC case strains its resources, which are limited. But more important, the FSC case strains the political acceptability of the WTO system.

The political leaders of the EU should not have let this case go forward. It was a bad judgement on their part. Now it is in their interest and in the interest of the world trade system for them to settle this case amicably and fast. It will take wisdom and courage for them to do so. I hope they find that wisdom and courage.●

TRIBUTE TO JOHN C. SCHNABEL

● Mr. KOHL. Mr. President, I rise today to recognize the work of John C. Schnabel, who retired after fourteen years of service from the Wisconsin Association of County Veteran's Service Officers. He began his career with the Wisconsin Association of County Veteran's Service Officers in 1989 as the Secretary of the organization. During that time he used his personal laptop computer to electronically record Association records. This included researching and organizing a history of all CVSOs and Assistant CVSOs. He also developed and printed the first handbook for Association Officers so that policies, procedures and other information were easily transferred from one secretary to the next. John Schnabel was effective in his career as Secretary of CVSO and went on to become Second Vice President in 1994, First Vice President in 1995 and President in 1996. Schnabel has been the Langlade County Veteran's Services Officer for the last 14 years and is the first service officer from the county to be elected president of the organization.

During his time as president he became instrumental in the establishment of the Advocacy Award as well as the state representative to coordinate access to VA OnLine, initiating sites for CVSOs and WDVA. He has worked on many Ad Hoc committees regarding computer operations and program development. He most recently acted as a member of an Ad Hoc committee to establish long term goals and training for the CVSO association. During his tenure, Schnabel was also named a recipient of the Citation for Meritorious Service, awarded by the American Legion's National Veteran's Affairs and Rehabilitation Commission in Washington, D.C.

The staff and veteran clients of the Langlade County Veteran's Service Office and the Wisconsin Association of County Veterans Service Officers will miss John's wonderful advocacy work greatly. However, Nancy, his wife of 36 years will enjoy spending more time with him.●

ALEISHA CRAMER

● Mr. ALLARD. Mr. President—I would like to take this opportunity to commend an outstanding student athlete from my home state of Colorado. Aleisha Cramer of Green Mountain High School has been named the 1999–2000 Gatorade National High School Girls Soccer Player of the Year. Aleisha's hard work and dedication earned her the prestige of being the number one soccer player of 246,000 high school girls across the country.

Ms. Cramer's athletic accomplishments include being the Parade Player of the Year, the National Soccer Coaches of America's Player of the Year as well as being accepted on the U.S. Women's National Team. Aleisha has lead her team to the State Finals for three consecutive years, winning the championship in 1997 and 1999. Not only is Aleisha an amazing athlete, she is honor student with a 4.0 grade point average, a member of the student senate and a volunteer for church and school groups.

It is an honor for me to recognize the achievements of this amazing young woman. Aleisha leads by example and her work ethic, talent and civic duties have made her a role model that any student can look up to. Aleisha Cramer has proved what hard work as a student, athlete and community member can accomplish.

Again, I would like to congratulate Aleisha Cramer, the 1999–2000 Gatorade National High School Girls Soccer Player of the Year, for her accomplishments. She has made the State of Colorado and this nation proud.●

GRACE TOWNS HAMILTON (1907–1992)

● Mr. CLELAND. Mr. President, ''A political leader who changes his stances to fit the times is often called a politician in the dirtiest sense of the word. One who refuses to change, who remains with her lifelong ideals, is often called reactionary and stubborn. But such a person may also be seen as possessing both honesty and intrigue.'' So spoke Alton Hornsby, Morehouse College historian in 1990 as the city of Atlanta remembered one of its greatest treasures, Grace Towns Hamilton.

Grace Towns was quite simply, a legend in her own time. Born in Atlanta in 1907, Grace entered this world during a time of severe racial tension. In fact, her birthday came only 5 months after a ferocious racial massacre in Atlanta. For whites, the first decades of the twentieth century were the ''Progressive Era.'' For blacks, it was indeed a most dismal era. The end of Reconstruction had left blacks as an often despised and almost always disenfranchised class made up largely of dependent laborers with little land and even less rights. Atlanta University (AU), on the city's western reaches, seemed an island of tranquility in the South, where blacks experienced the worst of the racial oppression and exclusion. Grace Towns' father was a professor at AU and she was able to enjoy a sheltered existence where both the student body and the faculty were integrated.

Grace Towns flourished while growing up at AU. Once she matriculated as a collegiate there, Grace became active in the Interracial Student Forum. She took this advantage of the opportunity to discuss a wide range of topics, including those which were most racially sensitive. For her, this was a forum to bring black and white students together. While she was editor of the AU student newspaper, the Scroll, Grace wrote of the forum, ''the Forum has given us contact. We have heard each other's music, and talked as fellow students.''

After graduating from AU in 1927, Grace Towns went on to pursue a master's degree in psychology at Ohio State University in Columbus, Ohio. During her college years, she became involved with the YWCA. The Atlanta chapter had a burgeoning student movement that took a divergent approach on race that was less cautious than its parent organization at the time. It was interracial far before the first ''Negro'' was appointed to the board. After she graduated, the National YWCA offered her a secretarial job in one of its Negro branches. A favorite psychology professor at AU had a high regard for the psychology department at Ohio State and seeing as how the YWCA job would make it possible to finance her post-graduate education at the same time, Grace decided to go.

Grace Towns later admitted that there was no way she could have been prepared for what she faced in Ohio. The cocoon of Atlanta University illprepared her for the shock that awaited her in the Ohio capital city. Barred from movies, restaurants, hotels, even public restrooms, Towns felt accepted only within the confines of the Ohio State psychology department. Even the YWCA, which in Atlanta had seemed so dedicated to the rights of all women, without regard to the color of their skin, had its barriers and limitations. The prejudice and violent attitude towards blacks at the time made the goals and the religious and moral precepts professed by the organization a challenge that the ''Y'' often failed to meet.

These factors combined to make Grace Towns not sorry to leave Columbus, Ohio in the summer of 1928. She returned to Atlanta to finish the written requirements for her master's from Ohio State, having already finished the course work. After receiving the degree in 1929, she went on to teach at the Atlanta School of Social Work and also at Clark College in Atlanta. She married the love of her life, Henry Cooke Hamilton, in the summer of 1930. They moved shortly thereafter to Memphis where her husband had taken a job doing triple duty as dean, registrar and professor of education.

Grace Hamilton continued teaching, even through the first months of her pregnancy with her first daughter Eleanor, born in March of 1931. She had

taken a position at LeMoyne Junior College and resumed teaching at LeMoyne while Eleanor was still young. She continued to teach there, although circumstances compelled her to undertake courses that she did not feel qualified to teach. In 1934, this frustration came to a head when gender issues and the Great Depression forced LeMoyne to terminate her employment. After volunteering with the NAACP and the YWCA, Grace took a position with the Works Progress Administration (WPA) conducting a survey on The Urban Negro Worker in the United States 1925–1936.

In 1941, the Hamilton family returned to Atlanta where Grace's husband became principal of Atlanta University's Laboratory High School. Grace had never set out to be a leader, but at this point she was thirty-four years old, had an advanced education degree, and had worked steadily at professional jobs for more than a decade. She knew the value of community activism and education and set out to take part in the fight. This led her to the Atlanta Urban League.

From 1943 until 1960, Grace Hamilton served as the Executive Director of the Atlanta Urban League. During her tenure, she shaped the path of the League to better serve Atlanta, which was increasingly being seen as the South's ''hub city.'' She moved the focus away from the national organization's emphasis on philanthropy and job procurement to a more Atlanta-focused program of housing, equality in school funding, voter registration and better medical care. Her biographers, Lorraine Nelson Spritzer and Jean B. Bergmark, wrote of her legacy that it ''. . .was better appreciated by whites than blacks. The white world glorified her, clothing her in virtue without flaws. The black community viewed her with greater ambivalence, seeing blemish as well as the best and came closer to discerning the real and important person she was, probably because she was truly one of their own.''

After Mrs. Hamilton resigned in 1960, she set out on her path to political success. She ran in a special off-year election in 1965 which brought her and six other black Democrats into the Georgia state legislature. The first black woman in the Georgia State Legislature, Hamilton was called ''Atlanta's only real integrationist,'' ''a leader,'' and a ''bridge-builder.'' It was here where she made her most lasting contribution to her city and state, and all agreed she was that rare person who gave politics a good name. I remember fondly serving with her while I was in the Georgia state senate from 1970 until 1974.

While serving in the state legislature, Grace Hamilton sought to strengthen local government, particularly the Mayor's role. She also worked towards equal justice for blacks, and the elimination wasted tax dollars by seeking consolidation of Georgia's numerous counties. In 1971, she persuaded her colleagues in the Legislature to approve a sales tax increase to finance a city-wide rail and subway system—now known in Atlanta as MARTA, a crown jewel among the nation's urban mass transit systems. Her time in the Legislature was infinitely successful and in 1984, at the age of 78 she began to consider retirement. She decided for ''one last go-around'' but failed to detect the political risk she faced. She was defeated by a 26 year-old graduate student in public administration at Georgia State named Mable Thomas. After almost twenty years in public office, Grace Hamilton set out for the next phase of life.

Grace Hamilton lived on another eight years, overseeing the care of her ailing husband and guiding the search for a suitable depository for her papers and effects. She collected numerous accolades and awards before she finally succumbed to illness in 1992, survived by her daughter Eleanor.

As we come to the end of Black History Month, I respectfully submit this insert into the CONGRESSIONAL RECORD in honor of one of my personal heroes, Grace Towns Hamilton. Her service has been an inspiration to me and many others who have known her. I am proud of her legacy in Georgia and pleased to have this opportunity to share it. I would also like to thank Mrs. Hamilton's biographers, Lorraine Nelson Spritzer and Jean B. Bergmark, for their contribution to Grace's legacy—Grace Towns Hamilton and the Politics of Southern Change.

Thank you Mr. President.●

JAKE D. ROBEL

● Mr. BOND. Mr. President, I come to the floor today to extend my heartfelt sympathies to the family of 6-year-old Jake D. Robel of Blue Springs, Missouri.

One week ago Jake died after being dragged for almost five miles at high speed by a man who had stolen Jake's mother's car in Independence, Missouri.

Jake's mom had stopped at a sandwich shop to run in and pick up her order. She left her car running and Jake was waiting in the car.

This town and area should be safe. Many would say tragedies like this one happen everywhere else, but not here. In this area, there are people who always leave their car doors unlocked and their keys in the ignition. Many leave their homes unlocked and have no idea where to find the house key.

Unfortunately, that sense of security is now shattered.

In those few moments it took Jake's mom to run into the sandwich shop, an assailant jumped in her vehicle and sped away. Jake, with his mother's help, tried to escape from the vehicle, but became entangled in the seat belt. In a heartbeat, the car door closed—with Jake tangled in the seat belt—being dragged behind.

I can't imagine the loss felt by the family and friends of Jake Robel. However, I want to join with the countless families in Missouri and across the nation in sending my thoughts and prayers to those in grief.

Mr. President, in addition, it is important to recognize the bravery, heroism, and citizenship of those that tried to come to Jake's rescue.

The man who stole the car took off on Interstate 70 at high speed. All along the way, people honked and shouted from their cars for him to stop. The driver was stopped and apprehended, not by the police, but by approximately four gentlemen who managed to surround the vehicle after the man left I–70 and turned onto a busy street in Independence, Missouri. The man tried to escape on foot, but was stopped by these heroes who tied his feet together and sat on him until the police arrived. These men acted swiftly and responsibly.

Once again, Mr. President, my thoughts and prayers go out to the family of Jake Robel as well as to all those who witnessed such a tragedy. I also want to recognize the gentlemen who apprehended the driver. These honorable citizens have shown us firsthand that heroes do exist.●

RETIREMENT OF CHIEF ANGELO TOSCANO

● Mr. DODD. Mr. President, I am delighted to rise today to pay tribute to a well-respected and remarkable officer, Chief Angelo Toscano, whose retirement from the Wilton Police Force marks the end of 43 years as a Connecticut law enforcement officer. Day in and day out, Chief Toscano ensured that safety and peace prevailed in the Wilton community. I am honored to extend thanks and appreciation to him. On behalf of the people of Wilton and the entire state of Connecticut, whom I am privileged to represent in the United States Senate.

Chief Toscano was born and raised in Darien, Connecticut. After graduating from Darien High School he attended Norwalk Community College and the Federal Bureau of Investigation National Academy. In 1957, after serving in the United States Marine Corps for three years, he began his career in law enforcement as a patrolman. His dedication earned him the respect of his colleagues, and his leadership propelled him up the ranks—from patrolman, to sergeant, to detective, and finally, to Chief of Police.

Throughout his career in public service, Chief Toscano remained on the cutting edge of law enforcement techniques, always believing that there was more for him to learn. Chief Toscano continued his training up until the very end of his career, including participation in the Connecticut Police Academy, the Darien Power Squadron, and a wide range of F.B.I. training programs.

Chief Toscano embodied everything a community could hope for in a Chief of Police. He was a veteran of the streets

whose years of experience became the source of his good judgment and dependability. He was a well-trained cop whose background and skill ensured that, as Chief, he led with a steadfast and reliable hand. Moreover, Chief Toscano was an innovative leader, with the uncanny ability to incorporate his specialized skills with his personal insight and creativity. Under his leadership, the Wilton Police Force introduced such initiatives as D.A.R.E. and C.O.P.S., as well as the installation of defibrillators into every patrol car.

The job of a chief of police is a demanding task that requires strength of character and good judgment. One need not look far for proof of Chief Toscano's success and ability, for it is visible in the safety that Wilton residents relish everyday.

Today, it is my pleasure to join the Town of Wilton and the State of Connecticut in thanking Chief Toscano for his many years of dedicated service and wishing him well in the future.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following armed services nominations on the Executive Calendar: 415, 416, 418 through 422, and all nominations on the Secretary's desk.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF THE INTERIOR

Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William N. Searcy, 0000

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general, Medical Corps

Brig. Gen. Kevin C. Kiley, 0000
Brig. Gen. Darrel R. Porr, 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Gordon S. Holder, 0000

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Ralph S. Clem, 0000
Brig. Gen. John M. Danahy, 0000
Brig. Gen. Joseph G. Lynch, 0000
Brig. Gen. Jeffrey M. Musfeldt, 0000
Brig. Gen. Robert B. Siegfried, 0000

To be brigadier general

Col. Gerald A. Black, 0000
Col. Richard B. Ford, 0000
Col. Jack C. Ihle, 0000
Col. Keith W. Meurlin, 0000
Col. Betty L. Mullis, 0000
Col. Scott R. Nichols, 0000
Col. David A. Robinson, 0000
Col. Richard D. Roth, 0000
Col. Randolph C. Ryder, Jr., 0000
Col. Joseph L. Shaefer, 0000
Col. Charles E. Stenner, Jr., 0000
Col. Thomas D. Taverney, 0000
Col. James T. Turlington, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Curtis M. Bedke, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David E. Clary, 0000
Col. Michael A. Collings, 0000
Col. Scott S. Custer, 0000
Col. Daniel J. Darnell, 0000
Col. Duane W. Deal, 0000
Col. Vern M. Findley II, 0000
Col. Douglas M. Fraser, 0000
Col. Dan R. Goodrich, 0000
Col. Gilbert R. Hawk, 0000
Col. Raymond E. Johns, Jr., 0000
Col. Timothy C. Jones, 0000
Col. Perry L. Lamy, 0000
Col. Edward L. Mahan, Jr., 0000
Col. Roosevelt Mercer, Jr., 0000
Col. Gary L. North, 0000
Col. John G. Pavlovich, 0000
Col. Allen G. Peck, 0000
Col. Michael W. Peterson, 0000
Col. Teresa M. Peterson, 0000
Col. Gregory H. Power, 0000
Col. Anthony F. Przybyslawski, 0000
Col. Ronald T. Rand, 0000
Col. Steven J. Redmann, 0000
Col. Loren M. Reno, 0000
Col. Jeffrey R. Riemer, 0000
Col. Jack L. Rives, 0000
Col. Marc E. Rogers, 0000
Col. Arthur J. Rooney, Jr., 0000
Col. Stephen T. Sargeant, 0000
Col. Darryl A. Scott, 0000
Col. James M. Shamess, 0000
Col. William L. Shelton, 0000
Col. John T. Sheridan, 0000
Col. Toreaser A. Steele, 0000
Col. James W. Swanson, 0000
Col. George P. Taylor, Jr., 0000
Col. Gregory L. Trebon, 0000
Col. Loyd S. Utterback, 0000
Col. Frederick D. VanValkenburg, Jr., 0000
Col. Dale C. Waters, 0000
Col. Simon P. Worden, 0000

IN THE AIR FORCE

Air Force nominations beginning Joseph G. Baillargeon, Jr., and ending David L. Phillips, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Air Force nomination of Mark K. Wells, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Air Force nominations beginning William P. Braham, and ending Kenneth C.Y. Yu, which nominations were received by the Senate and appeared in the Congressional Record of nulldate.

Air Force nominations beginning Laraine L. Acosta, and ending Roger A. Wujek, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Air Force nominations beginning Synaya K. Balanon, and ending Edward K. Yi, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Air Force nominations beginning Charles G. Beleny, and ending Kristen A. Fultsganey, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

IN THE ARMY

Army nominations beginning Richard T. Brittingham, and ending William D. Stewart, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Army nominations beginning Stephen C. Alsobrook, and Ending Henry E. Zeranski, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Army nomination of Andre H. Sayles, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Army nominations beginning Thomas E. Ayres, and ending Joel E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Army nominations beginning Wayne E. Caughman, and ending Calvin B. Wimbish, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Army nomination of Jeffrey S. MacIntire, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Army nominations beginning John J. Fitch, and ending *Timothy L. Watkins, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2000.

IN THE MARINE CORPS

Marine Corps nomination of Joseph B. Davis, Jr., which was received by the Senate and appeared in the Congressional Record of November 16, 1999.

Marine Corps nominations beginning Michael C. Albo, and ending Richard W. Yoder, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Marine Corps nominations beginning Christopher F. Ajinga, and ending Joan P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2000.

Marine Corps nominations beginning Joe H. Adkins, Jr., and ending Christopher M. Zuchristian, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2000.

IN THE NAVY

Navy nominations beginning Terry C. Pierce, and ending Frank G. Riner, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Navy nominations beginning Brad Harris Douglas, and ending Marc A. Stern, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Navy nominations beginning Dean J. Giorgdano, and ending William K. Nesmith, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Navy nominations beginning David R. Allison, and ending Steve R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Navy nominations beginning Raquel C. Bono, and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2000.

Navy nomination of Rabon E. Cooke, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Navy nomination of Amy J. Potts, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

STATEMENT ON THE NOMINATION OF SYLVIA V. BACA

Mr. DOMENICI. Mr. President, I am very pleased today that the Senate has confirmed New Mexican Sylvia Baca for Assistant Secretary of the Interior for Land and Minerals Management. I have been working hard to see this day, and I am glad the Senate has finally confirmed this worthy individual.

Ms. Baca is a native New Mexican who has worked for the Department of Interior for over four years, and has been Acting Assistant Secretary since November of 1998. Since January of 1995, she served as Deputy Assistant Secretary for Land and Minerals Management.

Assistant Secretary for Land and Minerals Management has direct supervisory responsibility for three principal bureaus of the Department of the Interior: The Bureau of Land Management, the Minerals Management Service, and the Office of Surface Mining Reclamation and Enforcement. In 1997, she served as Acting Director for the Bureau of Land Management. in such capacity, she was responsible for direct management of 10,000 employees, a budget of $1.2 billion, and the maintenance of 270 million acres of public lands and 570 million acres of subsurface minerals.

Ms. Baca previously served the state of New Mexico with distinction as a Senior Fiscal Analyst for the state Legislative Finance Committee for five years. Ms. Baca served as Director of Finance and Management for the City of Albuquerque immediately before leaving for Washington, D.C. Some of you may know that I served as what was then the equivalent of Mayor of Albuquerque, New Mexico's largest city. I can assert that administering the operating budget and administering city employees is a big job.

Sylvia Baca has a tremendous tie to the land. Sylvia, whose New Mexico ranching family history dates back to Spanish colonial times, is one of the many distinguished New Mexicans who have served the Interior Department. I am sure she will continue to work with distinction and serve well managing our federal public lands. Based upon her experience and commitment, I trust she will do a good job for the people of the United States. She has demonstrated that she has the administrative skills and experience needed to do this job well.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NATIONAL SUSTAINABLE FUELS AND CHEMICALS ACT OF 1999

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 310, S. 935.

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

The clerk will state the bill by title.

The senior assistant bill clerk read as follows:

A bill (S. 935) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sustainable Fuels and Chemicals Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through improved strategic security and balance of payments, healthier rural economies, improved environmental quality, near-zero net greenhouse gas emissions, technology export, and sustainable resource supply;

(2)(A) biomass is widely available at prices that are competitive with low cost petroleum; and

(B) the key technical challenges to be overcome in order for biobased industrial products to be cost competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near zero net greenhouse gas emissions;

(4) biobased chemicals—

(A) can provide functional replacements for essentially all organic chemicals that are currently derived from petroleum; and

(B) have the clear potential for environmentally benign product life cycles;

(5) biobased power can provide environmental benefits, promote rural economic development, and diversify energy resource options;

(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

(A) increasing the confidence and speed with which new technologies can be scaled up; and

(B) giving rise to processing innovations based on new knowledge;

(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

(13) several prominent studies, including studies by the President's Council of Advisors on Science and Technology and the National Research Council—

(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

SEC. 3. CONVERSION OF BIOMASS INTO BIOBASED INDUSTRIAL PRODUCTS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

''Subtitle N—Conversion of Biomass Into Biobased Industrial Products

''SEC. 1490. DEFINITIONS.

''In this subtitle:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Sustainable Fuels and Chemicals Technical Advisory Committee established by section 1490C.

''(2) BIOBASED INDUSTRIAL PRODUCT.—The term 'biobased industrial product' means any power, fuel, feed, chemical product, or other consumer good derived from biomass.

''(3) BIOMASS.—The term 'biomass' means any organic matter that is available on a renewable or recurring basis (excluding old growth timber), including dedicated energy crops and trees, wood and wood residues, plants (including aquatic plants), grasses, agricultural crops, residues, fibers, and animal wastes and other waste materials.

''(4) BOARD.—The term 'Board' means the Sustainable Fuels and Chemicals Board established by section 1490B.

''(5) INITIATIVE.—The term 'Initiative' means the Sustainable Fuels and Chemicals Research Initiative established under section 1490D.

''(6) POINT OF CONTACT.—The term 'point of contact' means a point of contact designated under section 1490A(d).

''(7) PROCESSING.—The term 'processing' means the derivation of biobased industrial products from biomass, including—

''(A) feedstock production;

''(B) harvest and handling;

''(C) pretreatment or thermochemical processing;

''(D) fermentation;

''(E) catalytic processing;

''(F) product recovery; and

''(G) coproduct production.

"SEC. 1490A. COOPERATION AND COORDINATION IN SUSTAINABLE FUELS AND CHEMICALS RESEARCH.

''(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased industrial products.

''(b) PURPOSE.—The purpose of the cooperation and coordination shall be to—

''(1) understand the key mechanisms underlying the recalcitrance of biomass for conversion into biobased industrial products;

''(2) develop new and cost-effective technologies that would result in large-scale commercial production of low cost and sustainable biobased industrial products;

''(3) ensure that biobased industrial products are developed in a manner that enhances their economic, energy security, and environmental benefits; and

''(4) promote the development and use of agricultural and energy crops for conversion into biobased industrial products.

''(c) AREAS.—In carrying out this subtitle, the Secretary of Agriculture and the Secretary of Energy, in consultation with heads of appropriate departments and agencies, shall promote research and development to—

''(1) advance the availability and widespread use of energy efficient, economically competitive, and environmentally sound biobased industrial products in a manner that is consistent with the goals of the United States relating to sustainable and secure supplies of food, chemicals, and fuel;

''(2) ensure full consideration of Federal land and land management programs as potential feedstock resources for biobased industrial products; and

''(3) assess the environmental, economic, and social impact of production of biobased industrial products from biomass on a large scale.

''(d) POINTS OF CONTACT.—

''(1) IN GENERAL.—To coordinate research and development programs and activities relating to biobased industrial products that are carried out by their respective Departments—

''(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

''(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

''(2) DUTIES.—The points of contact shall jointly—

''(A) assist in arranging interlaboratory and site-specific supplemental agreements for research, development, and demonstration projects relating to biobased industrial products;

''(B) serve as cochairpersons of the Board;

''(C) administer the Initiative; and

''(D) respond in writing to each recommendation of the Advisory Committee made under section 1490C(c)(2).

"SEC. 1490B. SUSTAINABLE FUELS AND CHEMICALS BOARD.

''(a) ESTABLISHMENT.—There is established the Sustainable Fuels and Chemicals Board to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products by—

''(1) maximizing the benefits deriving from Federal grants and assistance; and

''(2) bringing coherence to Federal strategic planning.

''(b) MEMBERSHIP.—The Board shall consist of:

''(1) The point of contact of the Department of Agriculture designated under section 1490A(d)(1)(A), who shall serve as cochairperson of the Board.

''(2) The point of contact of the Department of Energy designated under section 1490A(d)(1)(B), who shall serve as cochairperson of the Board.

''(3) A senior officer of each of the following agencies who is appointed by the head of the agency and who has a rank that is equivalent to the points of contact:

''(A) The Department of the Interior.

''(B) The Environmental Protection Agency.

''(C) The National Science Foundation.

''(D) The Office of Science and Technology Policy.

''(4) At the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with members described in paragraphs (1) through (3)).

''(c) DUTIES.—The Board shall—

''(1) coordinate research, development, and demonstration activities relating to biobased industrial products—

''(A) between the Department of Agriculture and the Department of Energy; and

''(B) with other departments and agencies of the Federal Government; and

''(2) provide recommendations to the points of contact concerning administration of this subtitle.

''(d) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this subtitle.

''(e) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under subsection (c).

"SEC. 1490C. SUSTAINABLE FUELS AND CHEMICALS TECHNICAL ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is established the Sustainable Fuels and Chemicals Technical Advisory Committee to—

''(1) advise the Secretary of Agriculture, the Secretary of Energy, and the points of contact concerning—

''(A) the technical focus and direction of requests for proposals issued under the Initiative; and

''(B) procedures for reviewing and evaluating the proposals;

''(2) facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

''(3) evaluate and perform strategic planning on program activities relating to the Initiative.

''(b) MEMBERSHIP.—The Committee shall consist of the following members appointed by the points of contact:

''(1) An individual affiliated with the biobased industrial products industry.

''(2) An individual affiliated with a college or university who has expertise in biobased industrial products.

''(3) 2 prominent engineers or scientists from government or academia who have expertise in biobased industrial products.

''(4) An individual affiliated with a commodity trade association.

''(5) An individual affiliated with an environmental or conservation organization.

''(6) An individual associated with State government who has expertise in biobased industrial products.

''(7) At the option of the points of contact, other members.

''(c) DUTIES.—The Advisory Committee shall—

''(1) advise the points of contact with respect to the Initiative; and

''(2) evaluate whether, and make recommendations in writing to the Board to ensure that—

''(A) funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative;

''(B) the points of contact are funding proposals under this subtitle that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers; and

''(C) activities under this subtitle are carried out in accordance with this subtitle.

''(d) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee under subsection (c).

"SEC. 1490D. SUSTAINABLE FUELS AND CHEMICALS RESEARCH INITIATIVE.

''(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Sustainable Fuels and Chemicals Research Initiative under which competitively-awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on biobased industrial products.

''(b) PURPOSES.—The purposes of grants, contracts, and assistance under this section shall be to—

''(1) stimulate collaborative activities by a diverse range of experts in all aspects of biomass processing for the purpose of conducting fundamental and innovation-targeted research and technology development;

''(2) enhance creative and imaginative approaches toward biomass processing that will serve to develop the next generation of advanced technologies making possible low cost and sustainable biobased industrial products;

''(3) strengthen the intellectual resources of the United States through the training and education of future scientists, engineers, managers, and business leaders in the field of biomass processing; and

''(4) promote integrated research partnerships among colleges, universities, national laboratories, Federal and State research agencies, and the private sector as the best means of overcoming technical challenges that span multiple research and engineering disciplines and of gaining better leverage from limited Federal research funds.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

''(A) a college or university;

''(B) a national laboratory;

''(C) a Federal research agency;

''(D) a State research agency;

''(E) a private sector entity;

''(F) a nonprofit organization; or

''(G) a consortium of 2 or more entities described in subparagraphs (A) through (E).

''(2) ADMINISTRATION.—After consultation with the Board, the points of contact, on behalf of the Board, shall—

''(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

''(B) establish a priority in grants, contracts, and assistance under this section for research that—

''(i) demonstrates potential for significant advances in biomass processing;

''(ii) demonstrates potential to substantially impact scale-sensitive national objectives such as sustainable resource supply, reduced greenhouse gas emissions, healthier rural economies, and improved strategic security and trade balances; and

''(iii) would improve knowledge of important biomass processing systems that demonstrate potential for commercial applications;

''(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

''(D) give preference to applications that—

''(i) involve a consortia of experts from multiple institutions; and

''(ii) encourage the integration of disciplines and application of the best technical resources.

''(d) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or assistance under this section shall be used to conduct—

''(1) research on process technology for overcoming the recalcitrance of biomass, including research on key mechanisms, advanced technologies, and demonstration test beds for—

''(A) feedstock pretreatment and hydrolysis of cellulose and hemicellulose, including new technologies for—

''(i) enhanced sugar yields;

''(ii) lower overall chemical use;

''(iii) less costly materials; and

''(iv) cost reduction;

''(B) development of novel organisms and other approaches to substantially lower the cost of cellulase enzymes and enzymatic hydrolysis, including dedicated cellulase production and consolidated bioprocessing strategies; and

''(C) approaches other than enzymatic hydrolysis for overcoming the recalcitrance of cellulosic biomass;

''(2) research on technologies for diversifying the range of products that can be efficiently and cost-competitively produced from biomass, including research on—

''(A) metabolic engineering of biological systems (including the safe use of genetically modified crops) to produce novel products, especially commodity products, or to increase product selectivity and tolerance, with a research priority on the development of biobased products that can compete in performance and cost with fossil-based products;

''(B) catalytic processing to convert intermediates of biomass processing into products of interest;

''(C) separation technologies for cost-effective product recovery and purification;

''(D) approaches other than metabolic engineering and catalytic conversion of intermediates of biomass processing;

''(E) advanced biomass gasification technologies, including coproduction of power and heat as an integrated component of biomass processing, with the possibility of generating excess electricity for sale; and

''(F) related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass; and

''(3) research aimed at ensuring the environmental performance and economic viability of biobased industrial products and their raw material input of biomass when considered as an integrated system, including research on—

''(A) the analysis of, and strategies to enhance, the environmental performance and sustainability of biobased industrial products, including research on—

''(i) accurate measurement and analysis of greenhouse gas emissions, carbon sequestration, and carbon cycling in relation to the life cycle of biobased industrial products and feedstocks with respect to other alternatives;

''(ii) evaluation of current and future biomass resource availability;

''(iii) development and analysis of land management practices and alternative biomass cropping systems that ensure the environmental performance and sustainability of biomass production and harvesting;

''(iv) land, air, water, and biodiversity impacts of large-scale biomass production, processing, and use of biobased industrial products relative to other alternatives; and

''(v) biomass gasification and combustion to produce electricity;

''(B) the analysis of, and strategies to enhance, the economic viability of biobased industrial products, including research on—

''(i) the cost of the required process technology;

''(ii) the impact of coproducts, including power and heat generation, on biobased industrial product price and large-scale economic viability; and

''(iii) interactions between an emergent biomass refining industry and the petrochemical refining infrastructure; and

''(C) the field and laboratory research related to feedstock production with the interrelated goals of enhancing the sustainability, increasing productivity, and decreasing the cost of biomass processing, including research on—

''(i) altering biomass to make biomass easier and less expensive to process;

''(ii) existing and new agricultural and energy crops that provide a sustainable resource for conversion to biobased industrial products while simultaneously serving as a source for coproducts such as food, animal feed, and fiber;

''(iii) improved technologies for harvest, collection, transport, storage, and handling of crop and residue feedstocks; and

''(iv) development of economically viable cropping systems that improve the conservation and restoration of marginal land.

''(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts that are authorized to be appropriated, there are authorized to be appropriated to carry out this section $49,000,000 for each of fiscal years 2000 through 2005.

''SEC. 1490E. ADMINISTRATIVE SUPPORT AND FUNDS.

''(a) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under subsection (b), the Secretary of Energy shall provide such administrative support and funds of the Department of Energy to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out this subtitle.

''(b) OTHER AGENCIES.—The Secretary of Agriculture and the heads of the agencies referred to, or appointed under, paragraphs (3) and (4) of section 1490B(a) may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

''SEC. 1490F. REPORTS.

''For each fiscal year that funds are made available to carry out this subtitle, the Secretary of Agriculture and the Secretary of Energy shall jointly transmit to Congress a detailed report on—

''(1) the status and progress of the Initiative, including a certification from the Board that funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative; and

''(2) the general status of cooperation and research efforts carried out by each Secretary with respect to sustainable fuels, chemicals, and electricity derived from biomass, including a certification from the Board that the points of contact are funding proposals that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers.

''SEC. 1490G. AUTHORIZATION OF APPROPRIATIONS FOR ETHANOL RESEARCH PILOT PLANT.

''There are authorized to be appropriated to construct a Department of Agriculture corn-based ethanol research pilot plant a total of $14,000,000 for fiscal year 2000 and subsequent fiscal years.''.

SEC. 4. USE OF CONSERVATION RESERVE LAND FOR RECOVERY OF BIOMASS USED IN ENERGY PRODUCTION.

Section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)) is amended—

(1) by striking ''except that the Secretary may permit harvesting'' and inserting ''except that the Secretary—

''(A) may permit—

''(i) harvesting'';

(2) by striking ''emergency, and the Secretary may permit limited'' and inserting ''emergency; and

''(ii) limited'';

(3) by inserting ''and'' after the semicolon at the end; and

(4) by adding at the end the following:

''(B) shall approve not more than 18 projects under which crops on land subject to the contract may be harvested for recovery of biomass used in energy production if—

''(i) no acreage subject to the contract is harvested more than once every other year;

''(ii) not more than 25 percent of the total acreage enrolled in the program under this subchapter in any crop reporting district (as designated by the Secretary), is harvested in any 1 year;

''(iii) no portion of the crop is used for any commercial purpose other than energy production from biomass;

''(iv) no wetland, or acreage of any type enrolled in a partial field conservation practice (including riparian forest buffers, filter strips, and buffer strips), is harvested;

''(v) the owner or operator agrees to a payment reduction under this section in an amount determined by the Secretary;

''(vi) the owner or operator agrees to commission and submit to the Secretary a study and report, to be conducted and written by a third party approved by the Secretary, on the impact of the biomass production and harvesting on wildlife; and

''(vii) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State and appropriate conservation and wildlife advocates, may establish to ensure that the production and harvesting of biomass crops minimize disturbance of wildlife habitat and are otherwise consistent with the purposes of the program established under this subchapter, with any biomass harvesting project permitted to harvest at least 50,000 acres per year.''.

AMENDMENT NO. 2862

(Purpose: To provide a substitute)

Mr. CRAPO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for Mr. MURKOWSKI, proposes an amendment numbered 2862.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LUGAR. Mr. President, I rise to recommend that the Senate pass S. 935.

At a time when American farmers and rural communities are having a difficult time making ends meet, it is appropriate for the Senate to support this initiative that holds great promise for agriculture, strengthens America's energy security and helps clean America's air and water while dramatically reducing greenhouse gas emissions.

Early civilizations relied on plants and trees for all their energy and food needs. With the passage of time and technological advancement, however, an increasing share of the world's energy demands shifted from plants and trees toward fossil fuels. Time and technology march on, and today we witness the beginning of a revolution from non-renewable fossil fuels toward

renewable resources that can help meet the energy demands of a world now numbering six billion people. Ironically, plants and trees are once again being valued as raw material for energy production because they contain an enormous store of energy freely delivered by the sun.

Using nature's renewable raw material for production of needed fuels, chemicals and energy is not a new idea. What is new, however, is a better understanding of chemistry and molecular biology which has led to the development of advanced biotechnologies and processing techniques for efficiently converting plants to energy. With these advances, it is now possible to envisage a future where the world's thirst for additional sources of energy is fueled by biomass.

Biobased fuels are our best means of reducing American dependence on imported oil. Reliance on the unstable states of the Middle East adversely impacts American strategic security, and massive oil imports skew our balance of payments. Fuels and chemicals derived from biomass will reduce our dependence on Middle Eastern oil without necessitating a rebuilding of the existing gasoline infrastructure. With the need for affordable energy rising as population grows, the Middle East will control nearly three-quarters of the world's oil this century. We have stark options: submit to increased influence of foreign oil cartels; wrangle over pipeline routes to new oil supplies at the ends of the Earth, such as the Caspian region; or, support research that could lead to a revolution in the way we produce energy.

In addition to fuels, biobased chemicals have the potential to replace essentially all chemicals currently derived from petroleum, and they are often endowed with superior performance characteristics. The manufacturing of biobased products is generally more environmentally friendly than analogue petrochemical processes.

Fuels, cloth fibers, plastics and adhesives are already produced from corn; the new genetic engineering techniques will make it possible to use entire plants, rather than just the tiny portion of edible grains. With sound land use policies, local crops that enrich the soil, prevent erosion and improve local environmental conditions can be planted and then harvested for co-production of food, fuel, chemicals, electricity and materials. Rural communities will be strengthened through the diversification of marketable agricultural products and farmers will have expanded sources of income.

Before we are able to reap the outstanding benefits offered through utilization of America's sustainable biomass resource, costs of the new conversion technology must be significantly reduced. Research offers the only systematic means for creating the innovations and technical improvements that will lower the costs of biomass processing. Given the relatively short-term horizon characteristic of private sector investments, and because many benefits of biomass processing are in the public interest, the Federal government has a compelling mandate to fund the necessary innovation-driven research that will result in cost effective technologies for biomass conversion.

Although government sponsored research programs have been largely responsible for demonstrating the potential of biomass conversion technology, coordination among key Federal agencies is disjointed and funding levels are declining. The Biomass Research and Development Act is designed to address these shortcomings. America's leading technical experts from universities, national laboratories and the private sector will be brought together in a dynamic research initiative with the purpose of overcoming technical barriers to low cost biomass conversion.

At a time when political compromise seems elusive and progress on environmental and energy issues often seems slow, I am convinced that the idea of encouraging human ingenuity to create a sustainable resource for clean fuels and chemicals represents a remarkable opportunity for consensus. Working together we can promote research that will improve our national security and balance of payments, reduce greenhouse gas emissions and strengthen rural economies.

Mr. President, I would like to take this opportunity to thank Dr. Joseph Michels, my science policy adviser, for the excellent advice he has provided me on this issue. Dr. Michels is leaving my staff to assume an important post at Princeton University. I shall miss him.

I urge my colleagues to support this bill.

JURISDICTIONAL CLARIFICATION

• Mr. LUGAR. I would like to enter into a colloquy with my distinguished colleague, Senator MURKOWSKI, Chairman of the Energy and Natural Resources Committee. I want to inform my colleague that any action taken by the Committee on Agriculture, Nutrition, and Forestry in relation to S. 935 is not an attempt to encroach on the jurisdiction of the Committee on Energy and Natural Resources. Further, the fact that S. 935 was reported from the Committee on Agriculture, Nutrition, and Forestry does not affect the jurisdiction of the Committee on Energy and Natural Resources over energy matters, including biofuels and bioenergy. Specifically, USDA biomass research and development programs remain within the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry and DOE biomass research and development programs remain within the jurisdiction of the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. I thank my colleague, the Chairman of the Agriculture, Nutrition, and Forestry Committee, for addressing this matter and clarifying our understanding that this legislation does not alter the jurisdiction of the Committee on Energy and Natural Resources.

I would also like to note that the authorization of appropriations contained in section 3 of S. 935 clarifies that money may be appropriated for the biomass research and development activities described in the bill pursuant to the existing general authority of the Secretary of Energy to fund biomass research and development, and does not create a new specific level of authorization for this program.

Mr. LUGAR. I agree and thank the Senator from Alaska.•

Mr. CRAPO. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendment (No. 2862) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 935), as amended, was read the third time and passed.

The title was amended so as to read:

To authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

ORDERS FOR WEDNESDAY, MARCH 1, 2000

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Wednesday, March 1. I further ask consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume debate on the pending Robb amendment to S. 1134, the education savings account bill.

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

PROGRAM

Mr. CRAPO. Mr. President, for the information of all Senators, the Senate will resume consideration of the Robb amendment regarding school construction at 9:30 a.m. tomorrow. Following 30 minutes of debate, at approximately 10 a.m., the Senate will proceed to a vote on or in relation to the amendment. Senator ABRAHAM's amendment regarding computers will be introduced following the Robb vote. Other amendments will be offered and debated during tomorrow's session and therefore Senators can expect votes throughout the day.

Senators should be aware that an agreement to have all first-degree

amendments offered by 5 p.m. tomorrow is being discussed in an effort to complete action on this legislation as early as possible this week.

ORDER FOR ADJOURNMENT

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator REED of Rhode Island.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. I ask to speak pursuant to the unanimous consent request.

The PRESIDING OFFICER. The Senator is recognized.

EDUCATION

Mr. REED. Mr. President, I will speak this evening on an issue of great importance to the country and every family in America. That is the issue of education.

For the past 4 months, the Republicans and Democrats on the Health, Education, Labor, and Pensions Committee have been working to come up with a bipartisan approach to the reauthorization of the Elementary and Secondary Education Act. Sadly, those efforts have collapsed and we are being presented with a Republican bill, the Straight A's Act, which is essentially a block granting of critical programs and the amassing of Federal resources to be distributed with little accountability by the States.

This issue is of great importance because education is what I believe is fueling the great economic progress we are making today. The 5-percent growth in productivity in the last quarter recognizes the combination of American technology, which is a product of our ideas, our education, and the skills and talents of the American people that have been forged in the classrooms of America.

Just as importantly, this recognition of the centrality and importance of education is shared by every American because they the mothers and fathers of this country, recognize that the future of their families, the future of their children, are dependent almost exclusively on how well they are educated. As a result, we cannot take lightly the proposals that are before the Senate with regard to the educational policy of the United States.

There are some who do not think the National Government has a role in education. I disagree. We recognize, of course, the primacy of States and localities in terms of forging educational policy, but we do have a role at the national level. We have a role of providing both encouragement and support for local innovation and also support to overcome local inertia.

We have seen that played out throughout our history. We have seen a situation where years ago the States were inattentive to the needs of low-income students, particularly minority students. That is one of the primary impulses for the 1965 Elementary and Secondary Education Act. We have seen in the past where States were indifferent to the education of students with disabilities, and we acted properly and appropriately to do that. So we do have this national role and we have to carry it out conscientiously, recognizing that public education is the bulwark of our society and our country.

Ninety percent of our students attend public schools. Public schools offer not only educational benefits but are the devices that bring us together, the common ground, the area in which one can enter and prepare to seize the opportunities of life without regard to race, creed, or ethnicity.

It is this public education system that we must enhance, reform, and reinvigorate. I argue that the approach to do that is not through block grants. The approach is a careful consideration of the appropriate Federal initiatives, both in terms of resources and in terms of programs, that will help stimulate reform at the local level and help overcome the inertia and the political gridlock we see every day at the localities and at the States just as they see on certain issues in Washington.

Again, I yield, as do all my colleagues, that the Federal Government is the junior partner in this partnership for education in America. We supply roughly 7 percent of all the resources; the States, the cities, and the towns supply 93 percent of the resources. However, we can do much, particularly in the area of focusing assistance on the neediest children and also, as I said before, to help invigorate our school system, to help accelerate reform.

Money isn't everything; it is vitally important, but we also need a sense of direction or purpose, of national statements about what is critical to the Nation as well as critical to localities and to States. That, too, is part and parcel to our deliberations about the Elementary and Secondary Education Act.

We should be providing resources for local communities. One of the problems with the educational policy in the United States is it is tied so closely to property tax that we can witness situations where good school systems, particularly school systems in urban areas that were models of efficiency and expertise decades ago, have fallen on hard times because their property base has evaporated. People have moved to the suburbs; the industries have left the central city and moved out. We can help, and we do that principally through title I programs.

Again, as we help with resources at the local level, we cannot give up the idea also that we have to provide this spark of innovation, the spark of reform that is so critical to the efforts. I believe also that this is recognized by many people at the State and local level, that our Goals 2000 initiative several years ago helped essentially start a reform process that was inchoate at the State and local level and many places that needed resources, even if there was a sense of reform. This effort, this identification of reform together with resources helped stimulate productive efforts that are improving the quality of education. But I also would say we have a long way to go before we can satisfy ourselves that every student in America, every child in America, has access to excellent public schools. That should be our goal, a goal we must insist upon.

Again, I am disappointed that efforts over the last several months to try to forge bipartisan compromise on the Elementary and Secondary Education Act have failed, apparently, for the moment. Tomorrow in the committee we begin to debate a legislative proposal that is simply abdicating the responsibilities of the National Government to the States without any real accountability. That is a wrong approach.

We have seen that because we have seen what the States have done in contrast to what the Federal Government has done in some critical areas of concern. I am not trying to suggest there is any type of nefarious plot at the States, but we all have to recognize they are under very special pressures in terms of allocating funds, in terms of local problems, a host of local issues that complicate their politics, and we have an opportunity sometimes to avoid those internecine fights that go on and provide direction that they welcome and they, in fact, in many cases expect.

One aspect of this debate about Federal versus State perspectives is a report prepared by the General Accounting Office in 1998. It was found Federal aid was seven times more targeted to poor students than State programs overall. It found our effort to reach out and help low-income students was disproportionately greater than State efforts. I think you have to ask yourself, logically, had we not acted in 1965 with title I, and in Congresses subsequent to that date to help out low-income students, both in center-city areas and in rural areas, would they enjoy the limited success they have had to date? I am not suggesting we succeeded in that arena.

I suggest you might find that same proportion of funding, those who are politically powerful in States, those suburban areas, those areas that themselves with property tax can fund schools, would do much better. In fact,

our situation in center-city and rural areas would be much more severe without specified targeted Federal assistance—not a block grant, specified targeted Federal assistance.

I should point out in the last reauthorization of the Elementary and Secondary Education Act—I was a Member of the other body at that time—we were aware of some of the shortcomings and limitations and inhibitions in the title I program, and we made changes to streamline it and make it more effective, as we did with several other programs. The results from the last few years seem to suggest this combination of more programmed and efficient Federal support, together with State initiatives, have led to real improvements. We want to continue that partnership and certainly those improvements.

There is another aspect, too, that affects the State and Federal Governments. I think sometimes we sit back and say: The States have it right; they know how to allocate and distribute funds. It turns out in over one-third of the States in these United States, people are suing the States claiming they are unfairly distributing their school aid. If we are going to turn around and give moneys to such a State without real accountability, without real direction, we, frankly, are running right into the teeth of those suits that are saying the States do not know how to spend their money fairly, wisely, or well; they are disadvantaging large parts of the population.

I think there are many reasons why we can argue with great credibility and force that Federal programs and Federal resources, national policies, can complement, supplement, help States do things that, because of politics, because of resource limitations, because of a host of reasons, they would not do of their own volition.

There is another issue, too, and it becomes, frankly, an issue that is much more specific to us today than it was 10 years ago or 20 years ago. We are in a global economy. Our competition is no longer between Rhode Island and South Carolina or Pennsylvania and Utah. It is between students in Singapore and in Japan and around the world versus American students. To suggest at this time there is not a national need for some direction, some support, some help to States to move forward their educational process is to disregard the global nature of the world we face today.

There are examples, frankly, of where we have acted successfully with federally directed programs to set national policies with national resources to facilitate State reform. One I mentioned previously is Goals 2000. I participated in the drafting of this legislation in 1994. I would have liked to have gone much further in terms of accountability, in terms of many other things. But the sense of the Congress and the administration was let's get into the States' resources with a direction to begin to start reforming or helping their reform efforts. That took place. In fact, it has been acknowledged that Goals 2000 has been a force for reform in places such as Texas and Georgia and Vermont and elsewhere. Indeed, in 1998, in another GAO report, State and local officials stated:

> Goals 2000 funding provided valuable assistance and that, without this funding, some reform efforts would not have been accomplished or would not have been accomplished as quickly.

Again, had we simply back in 1994 said take this money and do what you like, without some structure, some framework, it would not have been as successful, I believe, as it has been to date.

There is another area where we can play a critical role—it is a role we have played in the past—and that is educational technology. National investment in educational technology since 1994, in programs such as the Technological Literacy Challenge Fund and the Technology Innovation Challenge Grants, as well as the E-Rate, have led to a dramatic increase in the number of schools connected to the Internet. Again, these are very specific targeted national programs. Between 1994 and 1998, Internet access in public schools increased from 35 to 89 percent of schools. The percentage of public school instruction rooms with Internet access also increased during this time period from 3 percent in 1994 to 51 percent in 1998.

High poverty schools, which have long lagged behind wealthier schools in Internet access, were as likely to have Internet access as low-poverty-level schools by the fall of 1998 because of these initiatives—again, appropriate. We are not supplanting State and local efforts, but we are identifying a national need to wire up to the Internet the children in the classroom, providing resources, direction. It gets done. It succeeds.

There is still a need, in fact, for additional effort in that regard. That is why we are missing a real opportunity in this reauthorization to build upon the success of our technology initiatives. In fact, the gap between high- and low-poverty schools and the percentage of classrooms with Internet access does not seem to be stabilized. It seems to be a widening; there is a bit of widening at the gap. We have to continue to work to make sure that gap does not exist.

My colleague from Maryland, Senator MIKULSKI, is often quoted talking about the digital divide; the fact that affluent students enjoy computer access at home and in classrooms. Low-income students do not have that opportunity. In the information age that digital divide could be decisive. So we have an opportunity to work now to build on prior success to ensure we truly close the digital divide.

There is another area—this one, I think, is very emblematic of the dangers of reflexively shifting from targeted programs to block grants—and that is school libraries. In 1965, Congress enacted legislation in the Elementary and Secondary Education Act which included specific provisions to assist school libraries to buy library material, principally books. But in 1981, with the advent of the Reagan administration, this specific program was thrown into a large block grant.

Now what has happened? What happened is all the material that was bought in 1965 through the late 1960s and 1970s is still on the shelves and has not been replaced because when this library program was thrown into a block grant, local pressures took out the support to buy library books. It always seemed there was something else to crowd it out, some other immediate problem. As a result, what I believe is a strong national thought that children in our schools should have up-to-date, modern library books has withered away, and we can see the proof on the shelves of school libraries throughout this country.

When I was talking about this issue several years ago, a librarian in a school in Arizona sent me a book. The title was ''The Constitution of the United States,'' by James Beck. But what I thought was interesting is that there was a foreword by the President of the United States, Calvin Coolidge. The book was written in 1924 and was still on the shelves in 1993.

I went to law school. I think there were a couple of amendments to the Constitution after 1924.

I would be hard pressed if I were a student in that school in Arizona to confirm or deny that fact.

There is another book found in Boston entitled ''Planets, Stars, and Space'' which noted:

> Of course, the trip (to the moon) cannot yet be made. . . . It may be necessary to establish a giant artificial moon or satellite a thousand miles or so above the earth, from which to launch the moon rocket.

That is copyright 1957, and that was in a school library recently.

From my own home State, there was in a school library a book entitled ''Ms. MD'' which stated only men could enroll in Brown Medical School, and the tuition—this really dates it—was $2,800 a year.

The effort to block grant the library program led to the deterioration and destruction of the library program, and as a result there are thousands of schools across the country that have books so out of date that if parents saw them, they would recall their child.

I hope we can change it. In this authorization, contrary to block grant, we can try to develop another library approach to assist libraries in buying not just books but CDs and all the media we need for an information age.

The other presumption is—in addition to the fact there is a presumption in some quarters that the States know how to spend the money—all of the successes are because of local initiatives. The reality is there are too many

failing schools in America, and the people directly responsible for these schools—we all admit it here—are the States and localities. I think that somewhat undercuts this notion of infallibility at the local level and supports the notion that at the national level, our ideas and our initiatives and complementary activities have a place and a purpose.

There are about 8,000 schools across the country which are failing their own standards set by their States—not national standards but State standards. Ask yourself: What is happening? Why are these schools not being reformed?

What has happened in our proposal, and I hope we can deal with it in the ESEA, is we are asking for more accountability by the States. We are asking them to tell us: What are you going to do about these 8,000 schools? How are you going to fix them? Do you need additional resources?

We are not trying to be prescriptive—one way to do it—but we want accountability. That, too, is going to be decisively lost if we simply turn over large block grants to Governors and say do what you will because doing what they will has led to 8,000 schools across this country failing their students, failing the parents, and failing the Nation. We should not tolerate that.

There is another area that is important that represents, in many cases, the clash of conflicting priorities at the local level and results in a poor educational environment for students. That is the issue of school modernization. There are schools in this country that are literally falling apart or so out of date that they impair the educational experience of children.

There are schools in my communities in Rhode Island that were built in 1876 and in 1898. In 1876, George Armstrong Custer lost a battle at the Little Big Horn. Much has changed since then, except children are still walking and busing to this school in a community in Rhode Island.

In the wintertime, the way they regulate the heat is they open the windows because once they turn that boiler on, it gets so hot that the only thing they can do to cool it down to room temperature is to open the windows. There is a trailer outside, but the trailer is not a good place to put computers because it is not fully air conditioned, not well ventilated. This is one example. These examples are replete throughout the entire country.

In Rhode Island, 81 percent of schools report a need to upgrade or repair a building to good overall condition. Again, this is an area where national assistance can be very helpful. There is not a weekend—and I go home every weekend—where I do not run into someone—a parent, a school committee person—who says: You know what, we sure could use some help fixing up our schools.

This is not some plot hatched in Washington, DC, to take over elementary and secondary education. This is what people intimately involved in elementary and secondary education in our communities want us to do, but we will not be able to do it if we simply bundle up the money in a block grant and give it to the Governors.

I talked a good bit about some of the problems we have in our school system, some of the problems we have in terms of our response in the Senate to these issues. But I would be remiss if I did not mention some of the good news because of our efforts over the last several years.

It turns out that high school students are taking tougher mathematical and science courses because this notion of increased standards which began with the Governors' conference years ago and certainly were highlighted by the efforts of President Clinton, certainly underscored by the Goals 2000 Act, certainly reemphasized in the last reauthorization, this is leading to students taking tougher mathematical and science courses.

These increased participation rates are cutting across different lines of income, ethnicity, and race, which are very good signs for our country. Student mathematical achievement is improving. Between 1982 and 1986, students improved their achievement in mathematics, as measured by the National Assessment of Educational Progress.

There is some good news, and it is the result not of the absence of the National Government from policy or solely because of the presence of national programs; it is because of this partnership that has been worked out, somewhat fluidly and sometimes roughly, over several decades between local initiatives and national complementary initiatives.

I could go on about student achievement. It is improving but not enough. Certainly, in international comparisons, we are not where we want and must be.

The other item is we have seen some of these improvements in math and science and some in part—I do not want to overstate this—might be attributable to a specific Federal national initiative, and that is the Eisenhower Professional Development Program established in 1984 to increase the quality of math and science teaching by giving math and science teachers opportunities to develop their expertise and understanding and to develop their techniques to teach; again, part of what I hope is good news about improving mathematical scores in this country.

Had we been presented with a bill in the HELP Committee which would have given us the opportunity to talk seriously about issues of programmatic content and national priorities, there are some things I would have liked to emphasize. I will mention them.

First, we have to improve the quality of teaching in the United States. We just had an amendment by my colleague, the Senator from Maine, Ms. COLLINS. It was a very good amendment because it talked about allowing teachers to get more tax benefits for their investment in professional development, for taking courses in graduate school, and buying material. That is a good effort. Frankly, that is just the surface.

If we want to improve the performance of teachers in our schools, we have to go into the classroom. We do not have to send the teachers necessarily to graduate school. We have to go into the classroom. We have to embed professional development as part of the daily life of the school. That is not being done across this country.

What we have in many places is what I experienced as a child when I went to school, and that is the proverbial teacher's institute. It was the one day we celebrated because there was no school or no holiday. They just took the day off. Teachers went to a big conference center, listened to a speaker, chatted about all sorts of things, and that was professional development.

It does not work that way, particularly nowadays. They have to make professional development part and parcel of the school. They have to have senior teachers and principals involved in the professional development of their teachers. They have to have the flexibility to get substitute teachers into the classroom so teachers can get out and observe other teachers teaching. This is a national priority.

We should be able to give the States both financial assistance and a sense of direction about the best techniques, if you will, give them a spectrum, a menu of things from which they can choose. But we cannot do that if our fixation is just ship the money down to the Governor. We have to improve the quality of professional development.

A 1998 study in California found that the more teachers were engaged in ongoing curriculum-centered professional development, holding school conditions and student characteristics constant, the higher the students' mathematical achievements.

We know from the data, if you can embed professional development, put it in the life of the school, you can improve performance. That is what it is all about, not winning debating points but ensuring that the performance of students in the classrooms of this country improves and improves dramatically.

The teachers themselves recognize this. One in five talk about the fact they need more professional development, that what is being required of them by the States is inadequate. In fact, I believe the statistic would probably be higher if you pressed and probed more. So that is an area to which I would like to be able to devote attention. I am sure I will offer an amendment in the committee, but it is starkly different than the approach of simply shrugging our shoulders and saying: Let the Government figure it out.

We have ideas. We have an obligation to take what we see across this country and try to move States forward to do something that would improve the quality of education.

There is another area that is important. That area is parental involvement. The national PTA did a survey of public school parents and found that 91 percent believe it is ''extremely important'' for parents to be involved in their children's school, but more than half of the parents stated that schools need direction about how to make parents true partners in their children's education.

The overwhelming view of parents is they need to be more involved in the school. But a significant number say the schools are deaf to their concerns. They do not have the programs or the attitudes or the policies that will get parents into the schools.

This is particularly the case when you get to areas where there are low-income students because the reality is many times their parents have an unsuccessful educational experience. It is not as if school was a good place for them. There are also practical problems in many urban areas, and some rural areas, about language difficulties, about reaching out to parents in their own language to get them involved in the lives of their children. We have not, as a nation, been able to develop the kinds of policies and programs that assist States and localities in making parents real partners in their children's education. I hope we could do that. I hope we could do that by using ESEA to start thinking about ways we can jump-start parental involvement at the local level.

Again, you can always fall back to the point: Why is this not happening if the States have the vision, the resources, and the commitment to do it? Why should we tolerate it continuing in such a deplorable way if there is a lack of resources, vision, or commitment at the local level when we know it should and must be done?

As I mentioned, I would love very much to be able to take out some of those antiquated books on the library shelves of America and replace them with modern books that talk about the fact that we have landed on the Moon, that include all the amendments of the U.S. Constitution. Again, we will not be able to do that if we are simply block granting our educational dollars.

There is also a program that is based upon one State's experience helping another State. The States have long been described as laboratories of innovation and experiment. But I think we have a job, and that is to disseminate all that good work, making it available throughout the Nation, giving other States the incentive or the ideas or the resources to put in place what some States have succeeded so well in doing.

One program in Rhode Island is called the Child Opportunity Zones, COZs. These are places within schools that bring together all sorts of social services, mental health services, child care services, and social work services. It is designed to assist the family, recognizing that the success of a child is dependent not only on his or her innate talent, and the teachers and the facilities, but also in the support and the participation of the whole family. If the family has problems, that child will likely have problems. Indeed, one of the things that has changed since my education is that family life in so many parts of this country has been terribly complicated by social problems, health care problems, issues that are not educational but decisively impact on the ability of a young child to learn.

I am encouraged that the President has sent up his budget proposing increases in Head Start. I have colleagues such as CHRIS DODD who are working valiantly to improve early childhood education. All of these things coming together recognize the fact that today, in so many places, it is not the educational problems holding children back; it is the health problem; it is the mental health problem; it is a host of problems that are outside the strict purview of what we used to think of as educational policy.

This COZ program is very successful in Rhode Island. It brings these disciplines to one place in the school. It gives families easy access to all of these disciplines.

Once again, this is an example of how the experience of one State—highlighted, illustrated, and disseminated by national legislation—can benefit the entire country. I would like very much to be able to work on that.

Finally, we come back to a major issue which will preoccupy all of us. That is this issue of accountability. Block grants, without accountability, are an abdication of our responsibility not only to have good educational policy but to the taxpayers. We cannot hand over millions of dollars with the assumption that States and localities are doing it right, when we know in some cases they do not invest enough in low-income education, that in some cases States and localities will not provide the kind of innovative change that is necessary for this new century.

We have to work hard to ensure we have accountability standards that work. I know Senator BINGAMAN has been a champion of this issue in the Senate. I worked with him as a Member of the other body in our reauthorization of the prior Elementary and Secondary Education Act. I anticipate, if we have a chance—and I hope we do—that both in committee and on the floor we will push hard for accountability. So we have a lot of work to do. It is national work. We simply cannot walk away from it.

Unfortunately, the approach that I see the Republican majority taking is effectively walking away from it, to hand it off to the States, to step back and say it is not our job, not our role, when, in fact, we can and should be a partner, the junior partner but a partner, in this effort to improve education throughout the United States.

We have made progress. Statistics are encouraging in relation to student performance, but we will give up this progress, I fear, if we do not innovate, if we do not continue to support local initiatives, and if we do not continue to try to overcome the local inertia that leads to 8,000 failing schools, that leads to a malapportionment of dollars between poor students and more affluent students.

It is a national role that we have long had. It is increasingly a national priority, as we face a world of international competition, as we face a world where the future of our families literally depends upon the quality of the education that our children receive.

I hope that in this great debate we will, in fact, be able to talk about libraries, talk about child opportunity zones, talk about improving the accountability, and talk about how we can put technology into classrooms, not simply to walk away from this issue with the assumption that the States can and will do it.

CONGRATULATING AND THANKING CHAIRMAN ROBERT F. BENNETT AND VICE CHAIRMAN CHRISTOPHER J. DODD AND THE MEMBERS OF THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. REED. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 264, submitted earlier by Senators LOTT, DASCHLE, MOYNIHAN, STEVENS, and BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 264) congratulating and thanking Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd for their tremendous leadership, poise, and dedication in leading the Special Committee on the Year 2000 Technology Problem and commending the members of the Committee for their fine work.

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

Mr. MOYNIHAN. Mr. President, as the Special Committee on the Year 2000 Technology Problem prepares to release its final report and disband today, I think it is only appropriate to thank our Chairman ROBERT F. BENNETT and Vice Chairman CHRISTOPHER J. DODD for the tremendous job that they did. They assembled the committee, held hearings to measure the problem, and in the end led the nation and world in ameliorating it. Well done.

We are told that nothing is more permanent than ''temporary,'' especially with regard to congressional committees. But our special committee did its job, in the time allotted—under Senate Resolution 208, the committee was to

last from April 2, 1998 to February 29, 2000—and now it will be no more.

I am pleased to join the Democrat leader, Senator DASCHLE, and others in introducing a resolution that congratulates and thanks the chairman and vice chairman for their fine leadership and work.

Mr. REED. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 264

Whereas Senator Robert F. Bennett and Senator Christopher J. Dodd had the foresight to urge Majority Leader Lott and Senator Daschle to establish the Special Committee on the Year 2000 Technology Problem under Senate Resolution on April 2, 1998;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Special Committee on the Year 2000 Technology Problem always acted in a bipartisan manner;

Whereas Chairman Bennett and Vice Chairman Dodd presided over 35 hearings on various aspects of technology infrastructure including utilities, health care, telecommunications, transportation, financial services, Government involvement, and litigation;

Whereas the Special Committee on the Year 2000 Technology Problem became the central repository for Y2K computer problem information both nationally and internationally;

Whereas Chairman Bennett and Vice Chairman Dodd guided the Senate in working with the White House, the House of Representatives, the United Nations, and other international organizations, and the private sector in addressing the Y2K computer problem;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Committee issued 3 excellent reports that quickly became the authoritative source on the progress of the Federal Government, the private sector, and foreign countries on the Y2K computer problem;

Whereas Chairman Bennett, Vice Chairman Dodd and the Committee helped the Federal Government, industry, nations, and global enterprises learn that by working together we can solve the kinds of technology problems we will likely face in the 21st century;

Whereas Chairman Bennett and Vice Chairman Dodd always conducted hearings in a thoughtful and judicious manner, with the intent of addressing key issues so that the Senate could better evaluate and solve the problem;

Whereas because of Chairman Bennett's and Vice Chairman Dodd's initiative, the Nation and the world began to take the Y2K computer problem seriously and worked to resolve the problem; and

Whereas due to Chairman Bennett's and Vice Chairman Dodd's tremendous leadership, dedication, and the work of the Special Committee on the Year 2000 Technology Problem, the first potential catastrophe of the new century was avoided: Now, therefore, be it

Resolved, That the Senate congratulates and thanks Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd—

(1) for their tremendous leadership in addressing a massive and pervasive problem; a problem that was largely unknown, but thanks to Chairman Bennett and Vice Chairman Dodd was studied, evaluated, and resolved;

(2) for presiding over the Special Committee on the Year 2000 Technology Problem which did its work in a bipartisan and fair manner; and

(3) for helping the Government and the Nation minimize the Y2K computer problem.

Mr. REED. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:39 p.m., adjourned until Wednesday, March 1, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 29, 2000:

DEPARTMENT OF THE INTERIOR

SYLVIA V. BACA, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM N. SEARCY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general, Medical Corps

BRIG. GEN. KEVIN C. KILEY, 0000
BRIG. GEN. DARREL R PORR, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. GORDON S. HOLDER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RALPH S. CLEM, 0000
BRIG. GEN. JOHN M. DANAHY, 0000
BRIG. GEN. JOSEPH G. LYNCH, 0000
BRIG. GEN. JEFFREY M. MUSFELDT, 0000
BRIG. GEN. ROBERT B. SIEGFRIED, 0000

To be brigadier general

COL. GERALD A. BLACK, 0000
COL. RICHARD B. FORD, 0000
COL. JACK C. IHLE, 0000
COL. KEITH W. MEURLIN, 0000
COL. BETTY L. MULLIS, 0000
COL. SCOTT R. NICHOLS, 0000
COL. DAVID A. ROBINSON, 0000
COL. RICHARD D. ROTH, 0000
COL. RANDOLPH C. RYDER, JR., 0000
COL. JOSEPH L. SHAEFER, 0000
COL. CHARLES E. STENNER, JR., 0000
COL. THOMAS D. TAVERNEY, 0000
COL. JAMES T. TURLINGTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CURTIS M. BEDKE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID E. CLARY, 0000
COL. MICHAEL A. COLLINGS, 0000
COL. SCOTT S. CUSTER, 0000
COL. DANIEL J. DARNELL, 0000
COL. DUANE W. DEAL, 0000
COL. VERN M. FINDLEY, II, 0000
COL. DOUGLAS M. FRASER, 0000
COL. DAN R. GOODRICH, 0000
COL. GILBERT R. HAWK, 0000
COL. RAYMOND E. JOHNS, JR., 0000
COL. TIMOTHY C. JONES, 0000
COL. PERRY L. LAMY, 0000
COL. EDWARD L. MAHAN, JR., 0000
COL. ROOSEVELT MERCER, JR., 0000
COL. GARY L. NORTH, 0000
COL. JOHN G. PAVLOVICH, 0000
COL. ALLEN G. PECK, 0000
COL. MICHAEL W. PETERSON, 0000
COL. TERESA M. PETERSON, 0000
COL. GREGORY H. POWER, 0000
COL. ANTHONY F. PRZYBYSLAWSKI, 0000
COL. RONALD T. RAND, 0000
COL. STEVEN J. REDMANN, 0000
COL. LOREN M. RENO, 0000
COL. JEFFREY R. RIEMER, 0000
COL. JACK L. RIVES, 0000
COL. MARC E. ROGERS, 0000
COL. ARTHUR J. ROONEY, JR., 0000
COL. STEPHEN T. SARGEANT, 0000
COL. DARRYL A. SCOTT, 0000
COL. JAMES M. SHAMESS, 0000
COL. WILLIAM L. SHELTON, 0000
COL. JOHN T. SHERIDAN, 0000
COL. TOREASER A. STEELE, 0000
COL. JAMES W. SWANSON, 0000
COL. GEORGE P. TAYLOR, JR., 0000
COL. GREGORY L. TREBON, 0000
COL. LOYD S. UTTERBACK, 0000
COL. FREDERICK D. VANVALKENBURG, JR., 0000
COL. DALE C. WATERS, 0000
COL. SIMON P. WORDEN, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JOSEPH G. BAILLARGEON, JR., AND ENDING DAVID L. PHILLIPS, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

To be colonel

MARK K. WELLS, 0000

AIR FORCE NOMINATIONS BEGINNING WILLIAM P ABRAHAM, AND ENDING KENNETH C.Y. YU WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2000.

AIR FORCE NOMINATIONS BEGINNING LARAINE L. ACOSTA, AND ENDING ROGER A. WUJEK WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

AIR FORCE NOMINATIONS BEGINNING SYNYA K. BALANON, AND ENDING EDWARD K. YI WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

AIR FORCE NOMINATIONS BEGINNING CHARLES G. BELENY, AND ENDING KRISTEN A. FULTSGANEY WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING RICHARD T. BRITTINGHAM, AND ENDING WILLIAM D. STEWART, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

ARMY NOMINATIONS BEGINNING STEPHEN C. ALSOBROOK, AND ENDING HENRY E. ZERANSKI, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

ANDRE H. SAYLES, 0000

ARMY NOMINATIONS BEGINNING THOMAS E. AYRES, AND ENDING JOEL E. WILSON WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

ARMY NOMINATIONS BEGINNING WAYNE E. CAUGHMAN, AND ENDING CALVIN B. WIMBISH WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY S. MACINTIRE, 0000

ARMY NOMINATIONS BEGINNING JOHN J. FITCH, AND ENDING *TIMOTHY L. WATKINS WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2000.

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH B. DAVIS, JR., 0000

MARINE CORPS NOMINATIONS BEGINNING MICHAEL C. ALBO, AND ENDING RICHARD W. YODER WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

MARINE CORPS NOMINATIONS BEGINNING CHRISTOPHER F. AJINGA, AND ENDING JOAN P. ZIMMERMAN WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2000.

MARINE CORPS NOMINATIONS BEGINNING JOE H. ADKINS, JR., AND ENDING CHRISTOPHER M. ZUCHRISTIAN WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2000.

IN THE NAVY

NAVY NOMINATIONS BEGINNING TERRY C. PIERCE, AND ENDING FRANK G. RINER WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

NAVY NOMINATIONS BEGINNING BRAD HARRIS DOUGLAS, AND ENDING MARC A. STERN WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

NAVY NOMINATIONS BEGINNING DEAN J. GIORDANO, AND ENDING WILLIAM K. NESMITH WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

NAVY NOMINATIONS BEGINNING DAVID R. ALLISON, AND ENDING STEVE R. WILKINSON WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

NAVY NOMINATIONS BEGINNING RAQUEL C. BONO, AND ENDING MIL A. YI WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RABON E. COOKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AMY J. POTTS, 0000