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Senate

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

PRAYER

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

Lord God of hope, this is a day for optimism and courage. Set us free of any negative thinking or attitude. There is enough time today to accomplish what You have planned. We affirm that You are here and that we are here by Your divine appointment. We also know from experience that it is possible to limit Your best for our Nation. Without Your help we can hit wide of the mark, but with Your guidance and power we cannot fail. You have brought our Nation to this place of prosperity and blessing. You are able to bless us if we will trust You and work together as fellow patriots. Fill this Chamber with Your Presence, invade the mind and heart of each Senator, and give this Senate a day of efficiency and excellence for Your glory. We thank You in advance for a truly great day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD 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.

RESERVATION OF LEADER TIME

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

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

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

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

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

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

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

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

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

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

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Clinton modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

Cantwell modified amendment No. 630 (to amendment No. 358), to provide for addi-

tional requirements with regard to the integration of education technology resources.

Hollings amendment No. 798 (to amendment No. 358), to permit States to waive certain testing requirements.

Gregg (for Santorum) amendment No. 799 (to amendment No. 358), to express the sense of the Senate regarding science education.

The PRESIDENT pro tempore. Under the previous order, there will now be 40 minutes for closing debate on the Santorum amendment No. 799 and the Hollings amendment numbered 798.

Mr. KENNEDY. Mr. President, as we resume consideration of the education authorization bill, we have 40 minutes of debate on the Santorum and Hollings amendments concurrently, with two rollcall votes at approximately 9:40 this morning, and votes throughout the day, as well into the evening, as the Senate works to complete action on the education bill this week. If the bill is completed on Thursday, there will be no rollcall votes on Friday.

The PRESIDENT pro tempore. The Senator from Pennsylvania, Mr. SANTORUM.

AMENDMENTS NOS. 798 AND 799

Mr. SANTORUM. Mr. President, I rise to talk about my amendment which will be voted on in roughly 40 minutes. This is an amendment that is a sense of the Senate. It is a sense of the Senate that deals with the subject of intellectual freedom with respect to the teaching of science in the classroom, in primary and secondary education. It is a sense of the Senate that does not try to dictate curriculum to anybody; quite the contrary, it says there should be freedom to discuss and air good scientific debate within the classroom. In fact, students will do better and will learn more if there is this intellectual freedom to discuss.

I will read this sense of the Senate. It is simply two sentences—frankly, two rather innocuous sentences—that hopefully this Senate will embrace:

“It is the sense of the Senate that—

“(1) good science education should prepare students to distinguish the data or testable

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



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theories of science from philosophical or religious claims that are made in the name of science; and

“(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

It simply says there are disagreements in scientific theories out there that are continually tested. Our knowledge of science is not absolute, obviously. We continue to test theories. Over the centuries, there were theories that were once assumed to be true and have been proven, through further revelation of scientific investigation and testing, to be not true.

One of the things I thought was important in putting this forward was to make sure the Senate of this country, obviously one of the greatest, if not the greatest, deliberative bodies on the face of the Earth, was on record saying we are for this kind of intellectual freedom; we are for this kind of discussion going on; it will enhance the quality of science education for our students.

I will read three points made by one of the advocates of this thought, a man named David DeWolf, as to the advantages of teaching this controversy that exists. He says:

Several benefits will accrue from a more open discussion of biological origins in the science classroom. First, this approach will do a better job of teaching the issue itself, both because it presents more accurate information about the state of scientific thinking and evidence, and because it presents the subject in a more lively and less dogmatic way. Second, this approach gives students greater appreciation for how science is actually practiced. Science necessarily involves the interpretation of data; yet scientists often disagree about how to interpret their data. By presenting this scientific controversy realistically, students will learn how to evaluate competing interpretations in light of evidence—a skill they will need as citizens, whether they choose careers in science or other fields. Third, this approach will model for students how to address differences of opinion through reasoned discussion within the context of a pluralistic society.

I think there are many benefits to this discussion that we hope to encour-

age in science classrooms across this country. I frankly don't see any downside to this discussion—that we are standing here as the Senate in favor of intellectual freedom and open and fair discussion of using science—not philosophy and religion within the context, within the context of science but science—as the basis for this determination.

I will reserve the remainder of my time. I have a couple of other speakers I anticipate will come down and talk about this amendment, and I want to leave adequate time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The PRESIDENT pro tempore. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, do I understand correctly the Senator from Minnesota has the time from Senator HOLLINGS?

Mr. WELLSTONE. That is correct.

Mr. KENNEDY. So Senator HOLLINGS has the 10 minutes. In his absence, the control of the time should be with the Senator from Minnesota.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask the Chair whether or not we have 10 minutes altogether on our side or 10 minutes for each of us. What is the understanding from last night?

The PRESIDENT pro tempore. The Senator from Massachusetts controls 10 minutes, and the Senator from South Carolina controls 10 minutes, which has now been—

Mr. KENNEDY. I will be glad to yield 5 minutes of my time if the Senator wants it.

The PRESIDING OFFICER. The Senator from Minnesota has been tendered 10 minutes from the time allotted to Mr. HOLLINGS.

AMENDMENT NO. 798

Mr. WELLSTONE. Mr. President, my hope is the Senator from South Caro-

lina will be able to be here. He spoke last night on his amendment, and he can do it with more eloquence and more persuasively than can I. But I told him, since I support his amendment, I would be pleased to try to be a fill-in for him.

I see my colleague is now here. I say to the Senator from South Carolina that I will be delighted to follow him, if he is ready to speak.

Mr. President, I yield to the Senator from South Carolina. I will follow my colleague.

The PRESIDENT pro tempore. Does the Senator from South Carolina seek recognition?

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, this Senate, and I say it advisedly and respectfully, in a sense, we are the best off-Broadway show. We engage in these charades, set up these straw men and then knock them down, taking the credit for being so effective politically.

We say we have a surplus; we don't have a surplus. The CBO projected in March a \$23 billion surplus for this fiscal year. Mark it down, it will be between a \$50 billion and \$70 billion deficit. We haven't even passed an appropriations bill. We have not passed any kind of supplemental and already we can foresee, less than a week after the signing of the so-called tax cut—where we had no taxes to cut—a deficit of \$50 billion to \$70 billion.

Now here is what we set up. We say: Wait a minute. In education there is no accountability; there is no testing. The people back home do not know what they need. If we can get some accountability and testing, we will learn what they need.

Such fanciful nonsense. We have testing coming out of our ears. You mention the State, and I will give you the millions they are spending.

Mr. President, I ask unanimous consent to have this schedule printed in the RECORD.

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

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3-8 tests	New tests required	Revenue sharing proceeds
Alabama	\$4,000	B	B	B	B	B	B	12	0	\$24,915,437
Alaska	3,500	B	B		B	B	B	10	2	8,629,291
Arizona	4,800	B	B	B	B	B	B	12	0	28,129,355
Arkansas	3,200		B	B	B	B	B	10	2	16,983,311
California	44,000	B	B	B	B	B	B	12	0	161,769,009
Colorado	10,700	R	R	B	B	B	B	10	2	23,798,968
Connecticut	2,000		B		B		B	6	6	19,875,848
Delaware	3,800	B		B			B	6	6	8,016,860
Florida	22,400	B	B	B	B	B	B	12	0	68,848,688
Georgia	14,000	B	B	B	B		B	10	2	43,139,333
Hawaii	1,400	B		B			B	6	6	9,961,299
Idaho	700	B	B	B	B	B	B	12	0	11,393,934
Illinois	16,500	B		B			B	6	6	57,731,557
Indiana	19,000	B			B		B	6	6	31,207,328
Iowa	0		B				B	4	8	17,424,763
Kansas	1,100		M	R		M	R	4	8	17,179,348
Kentucky	8,100	B	R	M	B	R	M	8	4	21,605,599
Louisiana	9,000	B	B	B	B	B	B	12	0	24,579,091
Maine	3,300		B				B	4	8	10,704,063
Maryland	17,100	B	B	B	B	B	B	12	0	27,457,342
Massachusetts	20,000	R	B		M	B	R	7	5	31,006,359
Michigan	16,000		B	R		R	B	7	7	48,296,329
Minnesota	5,200	B		B			B	6	6	27,066,118
Mississippi	7,600	B	B	B	B	B	B	12	0	18,198,252
Missouri	13,400	R	M			R	M	4	8	28,736,967
Montana	282	B					B	4	8	9,161,562

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3-8 tests	New tests required	Revenue sharing proceeds
Nebraska	1,650		R				R	2	10	12,374,005
Nevada	3,300	B	B	B			B	8	4	13,876,879
New Hampshire	2,500	B			B			4	8	10,802,081
New Jersey	17,000		B				B	4	8	37,746,447
New Mexico	650	B	B	B	B	B	B	12	0	13,633,052
New York	13,000		B				B	4	8	77,283,719
North Carolina	11,300	B	B	B	B	B	B	12	0	39,659,706
North Dakota	208		B				B	6	6	7,883,693
Ohio	12,300		B		B			4	8	53,078,486
Oklahoma	2,500	B		B			B	6	6	20,932,225
Oregon	7,000	B		B			B	6	6	19,516,428
Pennsylvania	15,000			B	R		B	5	7	52,955,297
Rhode Island	2,300	R	B			R	B	6	6	9,150,790
South Carolina	7,800	B	B	B	B	B	B	12	0	22,849,169
South Dakota	720		B	R			B	5	7	8,412,279
Tennessee	15,600	B	B	B	B	B	B	12	0	28,600,739
Texas	26,600	B	B	B	B	B	B	12	0	108,915,567
Utah	1,400	B	B	B	B	B	B	12	0	17,026,566
Vermont	460		B				B	4	8	7,730,061
Virginia	17,900	B	B	B	B		B	10	2	34,846,313
Washington	7,700	B	B		B	B		8	4	31,448,887
West Virginia	400	B	B	B	B	B	B	12	0	12,494,530
Wisconsin	2,000	R	B				B	5	7	27,306,317
Wyoming	1,700		B				B	4	8	7,415,370
Total	422,070							387	213	

Mr. HOLLINGS. Mr. President, we are spending \$422 million this present year in testing back home. We have been testing since you were a little boy and I was a little boy. The folks back home know what is really needed. But here we come and say they don't know what they need and they never have had any accountability. We want to discover for them what schools are flunking and close those schools down, and in the meantime hurt the students who have never even had the course, so to speak.

If you did not benefit, as a poor child, from the Women Infants and Children Program, you don't have a strong mind coming into this world. If your school did not receive Title I funding, if you didn't have access to a Head Start program, if you didn't get a good teacher, if your class was so big that you were unable to listen and learn, you are unprepared. All these programs figure into giving students the course and they are less than 50-percent funded. Now we are going to test students because we know from the debate they have not had the course. We haven't really gotten to the crux of the matter. Congress has decided what is needed. So we have had testing.

Right to the point, if you really believe in harming students, as my distinguished colleague from Minnesota points out so vividly and forcefully, and you are merely trying to give yourself political credit, then vote against the amendment. That crowd that has been trying to abolish the Department of Education now comes in saying they are going to get responsibility in education, accountability, and set up a straw man and knock it over with a 7-year bureaucracy of \$2.7 billion to \$7 billion. That is what it costs.

Mr. President, yesterday I had printed in the RECORD this particular survey by the National Association of State Boards Of Education.

If you believe in bureaucracy at the cost of some \$7 billion, if you believe that Washington knows best, that the people back home don't know what they need—while we have heard on the floor about needs ranging from librar-

ies to curricula to teachers to reducing class sizes to school construction to after-school programs—then don't vote for this amendment. Every Senator over the 7 weeks has put out the needs. But what we need to do is take that money, like revenue sharing, send it back to the local folks, and say: If you want to have testing, test. If you want to have further testing, do that. If you really think you need to increase the teachers' pay, if you need to hire more teachers, those kinds of things, then do it. But that is really assisting; not spending extra money.

This is not an increase, this is giving flexibility to the money under the bill to address the needs back home. It is playing as if, fast forward 3 or 4 years, we have had the testing, we know what is needed, and we know what schools are flunking. I could flunk 30 or 40 in South Carolina this afternoon with this so-called quality test, and students do not have another school to go to and you cannot close their school down. So we spend billions, and we are in the same place as we are this minute.

If you believe in that bureaucracy, if you believe in unfunded mandates, if you believe in one size fits all, if you believe in harming the children just to get political credit on the floor of the Senate, then vote against this amendment.

But if you want to help the children back home and help the local school boards, if you want to help America advance education, then take this same program money and send it back on a revenue-sharing basis so that schools can address their needs, whether those needs be testing or otherwise.

I yield the floor.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDENT pro tempore. The Senator has 2½ minutes.

Mr. WELLSTONE. Mr. President, I rise to support the Hollings amendment. Hearing the Senator from South Carolina makes me think that, our motto should be, perhaps: We should invest before we test.

I think of what the American people said about Dr. King when he left the

pulpit and went out into the community: He went out and walked his talk. I don't think we are walking our talk. If we were walking our talk, we would not only be demanding our tests, but we would be demanding that every child have an opportunity to do well on the tests. We have not done that, and I think Senator HOLLINGS raises what I think is the most important question.

I believe I am one of the few Senators who is troubled by this and agonizing over the question of whether or not the Federal Government should be telling the school board, the school district, which epitomizes the grassroots political culture of America: 'You do not get to decide what is best.' We are telling them, every school district in America: You are going to test every child, grades 3, 4, 5, 6, 7, and 8 every year, with consequences for your school and your school district depending on how these children do in these tests.

What this amendment says is we should maybe have a little more faith in people at the school board level.

We should have maybe a little more faith in people back in our States to decide what they think is best, and they should have the option on whether they want to do the testing or use the resources to help children. That is what this amendment says.

I am all for national community standards for civil rights and human rights and for the first amendment and in making sure there is a floor for a educational commitment below which no poor child falls. I think that is what we are about as a nation. But I think when it comes to this kind of decision, is it right for the Federal Government literally to tell every school district what to do to test every child? I think we might rue the day we have voted for this. I struggle over the question right now. That is why I think this is such an important amendment. I fully support it.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, first of all, on the Santorum amendment, I hope all of our colleagues will vote in support of it. It talks about using good science to consider the teaching of biological evolution. I think the way the Senator described it, as well as the language itself, is completely consistent with what represents the central values of this body. We want children to be able to speak and examine various scientific theories on the basis of all of the information that is available to them so they can talk about different concepts and do it intelligently with the best information that is before them.

I think the Senator has expressed his views in support of the amendment and the reasons for it. I think they make eminently good sense. I intend to support that proposal.

On the Hollings-Wellstone amendment, I listened, as I always try to do, to my friend and colleague from South Carolina. There is so much he says that makes very good sense, but I have to oppose the amendment.

When he talks about the preparation of children, he makes a great deal of sense. In fact, if the children are denied the Women's, Infants', and Children's Program—the WIC Program—if they are denied the early nutrition, which is so important for the development of the mind, if they are denied the early learning experiences, which are absolutely instrumental in developing and shaping the mind, they lose opportunities.

If we are only funding the Head Start Program at 40 percent, we are leaving 60 percent out. The Early Head Start Program is only funded at about 10 or 12 percent.

If we take children who are denied all of those kinds of opportunities, unless they are enormously fortunate to have other kinds of sustained enforcement of educational experience and stimulating experience in terms of their home life, or other circumstances, we can ask whether children are arriving in school ready to learn. Some may be but many others may not.

One of the most important developments over the period of the last 10 years has been the knowledge of what happens in the development of the brain. We had "The Year of The Brain." It was on the front pages of magazines and newspapers and on television programs. We found that the early development aspects of the brain are absolutely essential where the neurons connect with the synapses and we have the development of the mind.

One of the key aspects, that at least many of us have believed, is that not only is it important to leave no child behind in terms of the support of this bill to reach all 10 million children who will be eligible but also the investment in children at the early age, to which Senator HOLLINGS spoke. But if we are going to continue to make that battle

and struggle, we are going to have to, on the floor in the Senate and in appropriations, try to invest for the children so they are ready to learn.

A number of States responded to the requirements of the title I program in 1994. We require testing in the elementary schools, middle schools, and in the high schools. Fifteen States are meeting that requirement at the present time. But most of the tests which exist in the States are more attuned to national standards rather than State standards. Forty-nine States have established their own standards.

The purpose of this legislation is to try to develop a curriculum that will reflect those standards and have well-trained teachers who will use that curriculum and then examination of the students with well thought out tests that are really going to test not only what the child learns but the ability of the child to use concepts. That is why the average test that is being used at the State level is \$6 or \$7. The test we are trying to develop here, the provisions which are strengthened with the Wellstone amendment and the other requirements, averages \$68 a test versus \$6.

Money doesn't answer everything in terms of being sure you are going to get a quality test, but part of the requirements we have for the use of the test is to be able to disaggregate it. At the current time, there are only three States that use disaggregated information. So you know in the class that there are various groups of students who aren't making it rather than just the test that uses the whole classroom.

It is also important to disaggregate information so that you know more completely where the challenges are in terms of the students themselves in order to make progress and tie the curriculum into these types of features, and also to make sure we are going to have the development of the test developed by the States, in the States, for the States' standards.

That is our purpose—not that they take off-the-shelf tests. Most of the States using the tests now are using the off-shelf-tests that are focused on national standards rather than State standards. That happens to be the reality.

I don't question that in a number of States there are superintendents and school boards who think they are getting adequate information. But this is a much more comprehensive way of finding out what the children know and then hopefully developing the kinds of methodologies to equip the children to move ahead. That is really our purpose. We may not get it right, but that is certainly the purpose we intend.

Finally, if the States are developing their own tests, and if they meet the standards which are included in this legislation and they conform with them, then they obviously meet those requirements. Then there is nothing further they have to do.

Three States, as I said, disaggregate information and have a number of the

items that are included in this bill. But by and large they are not in existence in other areas.

If that is the case, and we believe assessments are a key aspect of all of the efforts we are trying to develop in this legislation—I know there are those who don't agree with that as a concept—we know that children are tested frequently.

I can give you some cases in Lancaster, PA, where they test actually every 9 weeks in terms of what the children are learning during that period of time; and they alter and change the curriculum to try to give focus and attention to groups of students in those classes who are not making measurable progress. They have seen the absolutely extraordinary progress the schools have made in Lancaster as a result of it.

If it is done right, done well, done effectively, it is a very important, positive instrument in terms of children's development. If it is not, then it can have the kind of unfortunate results that have been mentioned in this Chamber. It is our intention to try to do it right. We have built in enough legislation to do it. I think this is the way to go.

I think we have a good bill. We have had good authorization. We are going to have the difficulty and challenge of getting the funding. That is an essential aspect of the continuing process as we move through the legislative process. We want to make sure that we are going to do it right.

But I do not believe the Hollings-Wellstone amendment is consistent with the whole central thrust of this legislation. I, regretfully, oppose the amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. EDWARDS). The Senator's time has expired.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent it be in order to now ask for the yeas and nays. And then I will ask for the yeas and nays.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. How much time remains on the amendments?

The PRESIDING OFFICER. The minority controls the remaining time, 15½ minutes.

Mr. SANTORUM. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on my amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. If there is no one who wants to address the Senate, I suggest the absence of a quorum—I am sorry.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to use some of the time that is available for our side to talk a little about the bill. I have not said much in relation to this bill, but it certainly is one of the most important issues that we will talk about.

We have a great opportunity to help make education stronger in our country. That is, of course, what we ought to be seeking to do. This discussion has gone on for a very long time. I hope we are nearing the end of the debate. I think we have spent nearly 4 weeks, off and on, on this proposition. It is time to bring it to a close.

In my view, we have had an excessive amount of amendments; nevertheless, that is where we are. But now if we are really going to do our part, and if we are really going to be able to cause this to be something that is effective, then we need to focus a little bit, as we evaluate where we are, on what our goals are, what it is we are really seeking to do.

I guess too often I get the notion that we get wrapped up around here in all the details, little items that mean something to someone, and we lose track of where it is we really want to go.

What we ought to do is have a vision—hopefully, a fairly common vision—of what our goals are in terms of education, in terms of the role of the Federal Government in education, and to be able to measure what we are doing each day in terms of how we meet those goals.

I think one of them that is quite important is, what is the role of the Federal Government in education? It has been my view, and continues to be my view, that the major responsibility for elementary and secondary education lies at the local level, lies with the community, lies with the school boards, and lies with the States.

One of the reasons I think that is so important is there are very different needs in very different places because what you need in Chugwater, WY, is quite different than what you need in Pittsburgh, PA. They ought to be able to make those kinds of unique decisions locally.

What is really needed to bring about change? We are all in favor of change, although I am not as pessimistic about schools as many people are. I think most of our schools do a pretty good job. One of the reasons I think that—and I realize this is not a broad sampling—is because of the young people who come to the Senate. They are evidence, it seems to me, that our schools are doing a pretty darn good job.

We need to do better, and there are some schools that do better than others, but that ought to be part of our goal, to establish what is really needed to bring about change. Then we ought to measure it. I think too often when we get into these issues, much of our conversation begins to border on political rhetoric: Boy, if you are for education, then that's a great thing. But you have to kind of decide what it is that you are for. Everybody is for education.

We have to talk a little bit about spending. This bill authorizes spending far beyond anything that we have ever thought about. Obviously, most of us would agree dollars alone don't bring about quality education. You can't have it without the dollars, but dollars alone don't do that. So I think there has to be some limit.

With that, inevitably, goes a certain amount of direction and control from Washington. How much of that do you want? I think there are some things that we ought to think and talk about.

As I understand it, the real purpose, as we started out with this S. 1, was to increase accountability for student performance. We do that some by testing. There has to be some accountability. We have to put out there funding, funding that really works and is not wasted, is not used up in bureaucracies. We have to have increased flexibility and local control if we really want to be able to deal with the problems that exist in our school systems.

We need to empower parents to have a role in schools. We need there to be opportunities for students such as in charter schools. We need some changes in that respect. We need to provide options for students who are consistently failing or who are in danger at schools. We need to do something about that.

But the responsibility really lies at the local level. That is why we elect school boards. That is why we have legislatures. We need to help, but there needs to be local flexibility. I think it is pretty clear from the debate that the bureaucracy and redtape have been real problems.

My wife happens to be a special ed teacher. I can tell you, she spends more time with reports than is really necessary. When she ought to be working with the kids, she is having to fill out all these reports that come in and are required. There ought to be a limit to that.

We ought to try to reduce the duplicative educational programs that are out there. Now over 50 percent of the Federal education dollars are spent on bureaucracy and overhead. That is unacceptable. The money needs to be there to help the kids.

Burdensome regulations, unfunded mandates—talk to anybody who is an administrator at a school and see what they think about unfunded mandates and the burdens of regulation. We do not talk about that very much. We have had 150 amendments that bring about more regulations. We ought to make sure we avoid that.

I think, again, we have to work to give the States and the locals unprecedented flexibility. The Federal Government has provided only about 6 or 7 percent of the funding for elementary and secondary education. We ought to do better than that. But keep in mind, the basic thrust is in the local community with the local dollars, the local decisions, the local leaders. That is where it belongs.

We talk about schools failing. We ought to put a little responsibility on those who are responsible for those schools that are failing. Help them, yes, of course. But the idea that we are suddenly going to take over this whole educational system and change it, I don't think that is consistent with our notions of Government.

So I just think we have a great opportunity. I think there are some very good things in this bill. I hope that we conclude it soon so we can get it moving and so we can get on to some other issues as well. But I hope we evaluate, as we go: What do we think the role of the Federal Government is? How should money be used that is sent to the local and State governments? How do we have accountability? And how, indeed, do we make sure this effort of ours is one that produces the best dividends and moves us towards our vision of what education in this country ought to be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first, I thank the Senator from Massachusetts for his support of my amendment. I hope the Senate will overwhelmingly vote for and support the amendment that I have offered.

The Senator from Wyoming was just talking about the role of the Federal Government in education. I was just thinking about the many visits I have made to school districts around my State. I have been to about 160 or 170 school districts in my State. We have about 500 school districts. I talked about education in many of those visits.

Maybe other Senators have experienced the same thing, but when I talk about education in schools, when I talk about educational reform, superintendents and teachers tend to get a little stiff in front of me, tend to get a little tense, because they are living it. And here we are, on the outside, trying to tell them how to do it better. One of the reasons I go to those schools is to listen to the schoolteachers and to principals and superintendents, parents, and students.

One of the things I hear more and more from people and parents and teachers in particular is, yes, we need to improve education, but we also need to look at what is coming into the educational system, the children coming into our system, particularly in our lowest performing schools, where children are coming in with many more profound problems than they did 20, 30,

40, even 50 years ago, when we thought we had a pretty good educational system in the country.

To sit here and say all the problems in our society, all the problems with our children are because they don't have a good education or there is not a good school, whatever the case may be, sort of laying all the blame on the schools for not producing educated children, in some respects, I believe, misses the mark or certainly doesn't tell the whole story of the problems that we are confronting as a culture and as a nation.

We have a couple minutes before the vote, and I wanted to put my two cents in. For those teachers and administrators, people who work very hard in the school system, particularly the poor schools and schools that are in difficult neighborhoods, you are right; the schools are not the sole source of blame for having children who can't read coming out of them. I even argue in many cases they aren't the principal sources of blame or even a particularly big share of the blame.

When we talk about educational reform, particularly leaving no child behind—and I support that—we need to look not just within the school system; we have to look outside the school system. We have to look at our culture. We have to look at the American family, our neighborhoods, at our popular culture, and the message being sent to the young children. We have to look at neighborhoods. And whether it is crime or the breakdown of the family or the breakdown of the community, the lack of economic opportunities, whatever the case may be—in most cases, it is all of those things—we need to recognize that education is just a piece of solving this puzzle for a child growing up in these very poor neighborhoods.

I hope we don't walk away from here flexing our muscles, raising our hands, saying: We have now solved the problem; We have fixed the educational system and that alone is going to solve the problems we face in our poor and downtrodden communities. It will not, no matter how good our schools are.

I always share this story of going to a high school in north Philadelphia, a very poor high school, a very poor neighborhood, a crime ridden neighborhood. I walked through that school. First I walked through the metal detectors. And I finally got to a classroom where, of the students going to the school, less than 5 percent were going to go on to some education beyond high school. I went into the classroom where those 5 percent were, and they were being talked to about their opportunities. They were all from public housing, poor neighborhoods. They could get a free ride to any school they wanted to go to.

I remember talking to them about the opportunities they had and sort of seeing somewhat blank stares back at me. We got into a discussion. I said: What is your biggest fear? What is your biggest concern about the school you

go to and your education? And the consensus developed was this: Getting to school alive every day. When you are an achiever in a group of people who do not achieve academically, you are a target. You can throw more money at that school, you can improve the quality of the teachers, you can have smaller class size, but if your concern is getting to school alive, we are missing the boat somewhere.

I want to step back, as we hopefully will celebrate passage of this bill and say that we have done great things to help children. If we don't get to the issues outside of the school, throwing more money into the school is whistling through the graveyard at night. It isn't going to solve the problem.

I yield the floor.

Mr. BYRD. Mr. President, I have been interested in the debate surrounding the teaching of evolution in our schools. I think that Senator SANTORUM's amendment will lead to a more thoughtful treatment of this topic in the classroom. It is important that students be exposed not only to the theory of evolution, but also to the context in which it is viewed by many in our society.

I think, too often, we limit the best of our educators by directing them to avoid controversy and to try to remain politically correct. If students cannot learn to debate different viewpoints and to explore a range of theories in the classroom, what hope have we for civil discourse beyond the schoolhouse doors?

Scientists today have numerous theories about our world and its beginnings. I, personally, have been greatly impressed by the many scientists who have probed and dissected scientific theory and concluded that some Divine force had to have played a role in the birth of our magnificent universe. These ideas align with my way of thinking. But I understand that they might not align with someone else's. That is the very point of this amendment—to support an airing of varying opinions, ideas, concepts, and theories. If education is truly a vehicle to broaden horizons and enhance thinking, varying viewpoints should be welcome as part of the school experience.

Mr. BROWNBACK. Mr. President, as my friend from Pennsylvania, and perhaps every one in the free world, knows the issue he brings up with regard to how to teach scientific theory and philosophy was recently an issue in my home State of Kansas. For this reason, many of my constituents are particularly sensitive to this issue.

I would like to take the opportunity of this amendment to clear the record about the controversy in Kansas.

In August of 1999 the Kansas State School Board fired a shot heard 'round the world. Press reports began to surface that evolution would no longer be taught. The specter of a theocratic school board entering the class to ensure that no student would be taught the prevailing wisdom of biology was

envisioned. Political cartoons and editorials were drafted by the hundreds. To hear the furor, one might think that the teachers would be charged with sorting through their student's texts with an Exacto knife carving out pictures of Darwin.

However, the prevailing impression, as is often the case was not quite accurate. Here are the facts about what happened in Kansas. The school board did not ban the teaching of evolution. They did not forbid the mention of Darwin in the classroom. They didn't even remove all mention of evolution from the State assessment test. Rather, the school board voted against including questions on macro-evolution—the theory that new species can evolve from existing species over time—from the State assessment. The assessment did include questions on micro-evolution—the observed change over time within an existing species.

Why did they do this? Why go so far as to decipher between micro and macro-evolution on the State exam? How would that serve the theocratic school board's purpose that we read so much about? Well, the truth is . . . there was no theocratic end to the actions of the school board. In fact, their vote was cast based on the most basic scientific principal that science is about what we observe, not what we assume. The great and bold statement that the Kansas School Board made was that simply that we observe micro-evolution and therefore it is scientific fact; and that it is impossible to observe macro-evolution, it is scientific assumption.

The response to this relatively minor and eminently scientific move by the Kansas school board was shocking. The actions and intentions of the school board were routinely misrepresented in the global press. Many in the global scientific community, who presumably knew the facts, spread misinformation as to what happened in Kansas. College admissions boards, who most certainly knew the facts, threatened Kansas students. The State Chamber of Commerce and Industry, and the State universities were threatened based on the actions of school board. All of these effects caused by a school board trying to decipher between scientific fact and scientific assumption. The response to the actions of the board, appeared to many as a response to the commission of heresy.

For this reason, I am very pleased that my friend from Pennsylvania offered this amendment. He clarifies the opinion of the Senate that the debate of scientific fact versus scientific assumption is an important debate to embrace. I plan to support the amendment and urge my colleagues to join me.

Mr. REID. Mr. President, I ask unanimous consent that between the two votes, prior to the second vote in order, there be 2 minutes on each side for debate.

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

Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SANTORUM. I do.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 799. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—91

Akaka	Ensign	McConnell
Allard	Feingold	Mikulski
Allen	Feinstein	Miller
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Graham	Nelson (FL)
Biden	Gramm	Nelson (NE)
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Roberts
Brownback	Helms	Rockefeller
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Cantwell	Inouye	Shelby
Carnahan	Jeffords	Smith (NH)
Carper	Johnson	Smith (OR)
Cleland	Kennedy	Snowe
Clinton	Kerry	Specter
Conrad	Kohl	Stabenow
Corzine	Kyl	Thomas
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
Domenici	Lincoln	Wellstone
Dorgan	Lott	Wyden
Durbin	Lugar	
Edwards	McCain	

NAYS—8

Chafee	DeWine	Stevens
Cochran	Enzi	Thompson
Collins	Hagel	

NOT VOTING—1

Dodd

The amendment (No. 799) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 798

Mr. KENNEDY. As I understand, we have 2 minutes on each side. There will be 2 minutes for the Senator from South Carolina and 2 minutes for the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, dear colleagues, the fundamental flaw is the approach that we do not, at the local level, have accountability, that we do not have testing. The truth is, and I have previously printed it in the RECORD, we have testing coming out of our ears: \$422 million this year. We know what works.

I say, rather than go through a 7-year exercise at \$7 billion, along with the

bureaucracy from Washington, to develop what Washington thinks is the standard, what Washington thinks is quality, use that money to address local concerns, whether they be further testing or additional needs. We know what the needs are. Senators have stated them over 7 weeks: Curriculum, better teachers, more teachers, smaller class size, and on down the line.

This is, in a sense, revenue sharing with the same amount of money.

If Members believe in one size fits all, that Washington—and not the local folks—has the answers, if Members believe in unfunded mandates, if Members believe students should be tested on courses that they have yet to receive—Title I, Head Start, and the others—if Members believe we ought to institute this 7-year bureaucracy at a cost of \$7 billion, vote against the amendment.

If Members believe in local control, and if Members believe they know what is best, and what schools in their states need is help for curriculum, for class size, and everything else, then vote with us. I don't see my distinguished colleague, Senator WELLSTONE, but I have his support, and I think I might be able to get the support of Senator KENNEDY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, with all respect to my friend and colleague from South Carolina, I rise to oppose the amendment. This amendment, if passed, will cut out the heart of the bipartisan agreement on educational reform in this underlying bill. The heart of it is that we are going to demand results; we are going to ask for evidence that we can present to educators, to parents, indeed to students and public officials, that the vast amounts of money that we at the Federal level and those at the State and local level are investing in the education of our children is actually working. The important thing to say is that in the requirement that the underlying bipartisan agreement makes for testing of schoolchildren from grades 3-8, we set the rules, but we leave it to the States to determine the standards. It is the States that will decide each year what is adequate yearly progress. It is the States that will determine how well their students are doing. So this is a national set of rules, but it is the States that will decide how each of them goes forward in implementing the rules.

Second, we require an arcane term, but it means a lot, disaggregation of data, so that people in the State, in the local area, parents, can see how each group of children is doing so we will be sure in that evidence that we will not overlook the educational needs of the neediest of our children.

I ask my colleagues to oppose this amendment and thereby stand by the bipartisan agreement for educational reform.

The PRESIDING OFFICER. The question is on agreeing to amendment no. 798. The yeas and nays have been ordered. The clerk will call the roll.

The assistant bill clerk called the roll.

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

The result was announced—yeas 22, nays 78, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—22

Akaka	Durbin	Nelson (NE)
Boxer	Feingold	Reed
Cantwell	Harkin	Reid
Conrad	Hollings	Sarbanes
Corzine	Inouye	Stevens
Daschle	Leahy	Wellstone
Dayton	Levin	
Dodd	Murray	

NAYS—78

Allard	Edwards	Lugar
Allen	Ensign	McCain
Baucus	Enzi	McConnell
Bayh	Feinstein	Mikulski
Bennett	Fitzgerald	Miller
Biden	Frist	Murkowski
Bingaman	Graham	Nelson (FL)
Bond	Gramm	Nickles
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Hatch	Schumer
Byrd	Helms	Sessions
Campbell	Hutchinson	Shelby
Carnahan	Hutchison	Smith (NH)
Carper	Inhofe	Smith (OR)
Chafee	Jeffords	Snowe
Cleland	Johnson	Specter
Clinton	Kennedy	Stabenow
Cochran	Kerry	Thomas
Collins	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
DeWine	Lieberman	Voinovich
Domenici	Lincoln	Warner
Dorgan	Lott	Wyden

The amendment (No. 798) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 420 TO AMENDMENT NO. 358

Mr. SPECTER. Madam President, I call up amendment No. 420.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 420.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products)

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

SEC. __. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

“(6)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

“(i) is under the age of 18 and over the age of 14, and

“(ii) by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

“(B) The employment of an individual under subparagraph (A) shall be permitted—

“(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

“(ii) if the individual does not operate or assist in the operation of power-driven wood-working machines;

“(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

“(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.”.

Mr. SPECTER. Madam President, I seek recognition to discuss my amendment, which briefly stated, would simply permit Amish youths, aged 14 to 18, to be able to work in sawmills. The issue has arisen as to the safety of these sawmills. The Appropriations subcommittee which has jurisdiction over the Department of Labor which I had chaired held a hearing on this subject. It is appropriate and necessary that the full Committee on Health, Education, Labor, and Pensions have a hearing.

We have consulted with experts who have given us a formula to provide for what we think is the requisite safety. I have had a brief discussion with the Senator from Massachusetts about my withdrawing this amendment and having a hearing so that due consideration could be given to this issue by his committee.

This amendment is designed to permit certain youths—those exempt from attending school—between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced identical measures in the 105th and 106th Congresses. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House twice before. I am hopeful the Senate will also seriously consider this important issue.

As chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. In 1998, I toured an Amish sawmill in Lancaster County, PA, and had the opportunity to meet with some of my Amish constituency. In December 2000, Representative PITTS and I held a meeting in Gap, PA, with over 20 members of the Amish community to hear their concerns on this issue. Most re-

cently, I chaired a hearing of the Labor, Health and Human Services and Education Appropriations Subcommittee to examine these issues.

At the hearing the Amish explained that while they once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland has disappeared in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth, upon the completion of their education at the age of 14, to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

Under my amendment, youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My amendment requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice has raised serious concerns under the establishment clause with the House legislation. The House measure conferred benefits only to a youth who is a “member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade.” By conferring the “benefit” of working in a sawmill only the adherents of certain religions, the Department argues that the bill appears to impermissibly favor religion to “irreligion.” In drafting my amendment, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who “are exempted from compulsory education laws after the eighth grade.” Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court’s 1972 decision in *Wisconsin versus Yoder* supports my bill. In *Yoder*, the Court held that Wisconsin’s compulsory school attendance law requiring children to attend school until the age of 16 violated the free exercise clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade “contravenes the basic religious tenets and practices of the Amish faith.” I believe a similar argument can be made with respect to

Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the *Yoder* Court’s holding that the Amish do not need the final two years of public education.

This is a matter of great importance and I urge my colleagues to work with me to provide relief for the Amish community.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the Senator is correct. The Senator has spoken to me about this issue. It is a very important issue because it does involve children and involves a dangerous industry. But there are other factors to be considered.

The Senator has given us some recommendations from very noteworthy OSHA experts who believe a way can be found to ensure the safety of these children and also achieve the objective. I think it would be valuable to have that in an open hearing, and we will do so in our Labor Committee and give due notice to the Senator when that hearing will be held, and welcome any of the people from whom he thinks it would be useful for us to hear.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my colleague from Massachusetts.

I just add one note. There are very serious issues of religious freedom involved here with the Amish having the right under the Constitution not to have education beyond the age of 14, and those will be considered in due course.

Let me thank my distinguished colleague from Louisiana for yielding so that we could have this brief colloquy.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We will have a very brief quorum call. 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. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 420 WITHDRAWN

Mr. SPECTER. Madam President, in the last colloquy I stated my intention to withdraw the amendment. I did not use the magic words, which I now use. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SPECTER. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Madam President, I ask unanimous consent that upon the disposition of the Dodd amendment No. 382, the Senator from Nebraska, Mr. NELSON, be recognized to call up amendment No. 533; that there be 5 minutes for debate on the amendment equally divided in the usual form; that upon the use of the time, the amendment be agreed to and the motion to reconsider be laid upon the table with no second-degree amendment in order thereto.

Further, that upon the disposition of amendment No. 533, Senator KERRY be recognized to call up amendments Nos. 423 and 455, that there be 40 minutes total for debate on the two amendments with time divided as follows: 10 minutes each, Senators KERRY, SMITH of Oregon, KENNEDY, and GREGG, with no second-degree amendments; that upon the use or yielding back of time, the amendments be agreed to and the motions to reconsider be laid upon the table.

Provided further that, upon the disposition of the Kerry/Smith amendments, the Senate resume consideration of the Cantwell amendment No. 630, as modified, with a total of 15 minutes for debate divided as follows: 5 minutes each, Senators CANTWELL, KENNEDY, and GREGG; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the Cantwell amendment, with no second-degree amendment in order thereto, with no intervening action.

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

Under the previous order, the Senator from Louisiana is recognized to call up amendment No. 474 on which there will be 30 minutes equally divided in the usual form.

AMENDMENT NO. 474 TO AMENDMENT NO. 358

Ms. LANDRIEU. Madam President, I call up amendment No. 474.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendment numbered 474.

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

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

The amendment is as follows:

(Purpose: To improve the formulas for teacher quality grants)

Beginning on page 312, strike line 18 and all that follows through page 313, line 4, and insert the following:

“(I) an amount that bears the same relationship to 35 percent of the excess amount

as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 65 percent of the

On page 320, strike lines 16 through 26 and insert the following:

“(1) an amount that bears the same relationship to 20 percent of the total amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

“(2) an amount that bears the same relationship to 80 percent of the total amount as the num-”.

Ms. LANDRIEU. Madam President, the amendment that I offer today is similar in some ways to the amendment I offered and we adopted 2 days ago. With an overwhelming and bipartisan show of support, we again made a commitment to better target the somewhat scarce education resources offered by the Federal Government under this bill—I use the word scarce judiciously; to some it is an awful lot of money, but to others, relative to what we need, it is not enough towards the communities with the greatest need.

Whatever moneys we are able to place, I believe, and many of my colleagues on the Republican and Democratic side and, to his credit, President Bush must be targeted toward helping the children and the schools that need the most help. Particularly when, as Senator KENNEDY has so eloquently expressed many times on the floor, this is really a new day for education from the Federal Government. We are initiating sweeping reforms, not mandating local governments but supporting them in their efforts to reform their schools, to increase standards, to implement accountability. We must work with the states and locals in partnership, to help fulfill our promise to leave no child behind.

This amendment would target more tightly title II dollars. On Monday, 57 Members of this body helped us to target the title I dollars, the largest title of the elementary and secondary education bill. There are seven general titles in the BEST bill. Title I has always been the largest Federal title. Some would argue the most important. Yet, when you are talking about providing a quality education, it is hard to argue that a Title which is focused on quality teachers is any less important. In my mind and in the minds of many in the Senate, there really is no more important element of an education than a good, qualified teacher.

William Arthur Ward once said: The mediocre teacher tells; the good teacher explains. The superior teacher demonstrates; the great teacher inspires.

We need a lot more great teachers in America. We have many, but we need more. No doubt there is a crisis in our Nation today. From the East Coast to

the West Coast, from the North to the South, from California, to Louisiana, to New Hampshire, to Illinois, communities are faced with a struggle to find qualified people to teach their children.

Every major newspaper and magazine in our Nation has covered this story—not on the back page, not on the middle page, but on the cover page. Here is an excerpt from Newsweek published earlier this fall. “Who Will Teach Our Kids?” That is the question parents are asking. “What Schools And Parents Can Do. Half Of All Teachers Will Retire By The Year 2010.”

The picture is of a child waiting for a teacher and these subtitles only scratch the surface of the real crisis facing us today. Let me read briefly from a story that says “Teachers Wanted.” I noticed this because Frank, my husband, and I have our 9-year-old Connor in school here. He finished third grade this year. One of the joys of my day is to know every day that Connor is in a school with a wonderful teacher—Holly Garland, and that he is being well educated in a school that is safe. I can come to work in the Senate and do my job. My husband can go to his job because we have that security.

But that is not the case of a family from Georgia. Their names are Jill and Larry Jackson of Conyers, GA. The article says:

It should have been a season of hopeful beginnings, but for Jill and Larry Jackson of Conyers, Ga., the opening of school this fall has meant only anger and frustration. Their 11-year-old son, Nicholas—

Only 2 years older than Connor—

is in a sixth-grade special-ed class taught by an assistant and a substitute. The regular teacher quit after three weeks of school, and the class of 13 is out of control. “We can move Nicholas to a special-ed class in another school that has just five kids,” says Jill, “but the teacher is leaving in December. I phoned the district, and they told me that they have five special-ed positions to fill. And I asked them if they think they’ll have a certified special-ed teacher in that class by December, and they said: ‘That’s the least of our problems right now.’”

Jill, the mother, much as I am with my children, said: “Well, it’s the biggest problem in my life right now.”

To millions of parents, from Massachusetts to New Hampshire to Louisiana to Mississippi, the biggest problem in their lives is their kids, 90 percent of whom are in the public schools of this Nation. They send them to schools and classrooms without certified teachers, without any teachers, with substitute teachers, teachers who come in and out of the classroom every few weeks. How is it possible for a child to begin to learn when the teacher doesn’t even know a child’s name? This is a parent’s worst nightmare.

My amendment does not attempt to fix this terrible situation because I am not certain any amendment could actually deal with a problem this large. It is so large and so tough. What my amendment does is say, we know we have a problem; we need to set goals

and strategies for fixing that problem; and most importantly, we must provide the resources to address the problem.

In short, my amendment attempts to move what money we have into the areas and to the schools that need the most help. This bill requires that all schools with 50% or more of their children in poverty must have all highly qualified teachers by 2005. What would that mean to states?

Let me cite some statistics that were actually shocking to me, and hopefully they will be to the Members of the Senate. Let me start with some examples of some States right now that are in pretty good shape. I will cite three or four.

Connecticut has a total of 1,069 schools. Yet only 189 of those schools are 50 percent poverty. So out of over 1,000 schools, they have fewer than 200 schools in the whole State that have 50 percent of poverty or more. To meet the requirements under this bill, 6,670 in Connecticut's poorest schools would have to be highly qualified by 2005. That is a manageable amount. Connecticut is in pretty good shape because under the bill, it is going to have to make sure that these 189 schools have the resources to meet this requirement. Based on what I know about the resources in Connecticut and the great work of Senator DODD and Senator LIEBERMAN and other elected officials in that State, I have no doubt that with the extra muscle they can probably manage to find 6,000 highly qualified teachers in 3 years.

Let me share the good news about another State, New Hampshire. It has 516 schools. Only 7 in the whole State of New Hampshire—it is a small State—have a poverty rate of 50 percent. That means that they have three years to make sure that the 103 teachers who currently teach in those schools are highly qualified. Again, I am confident that with the good work of the Senators here from New Hampshire and their Governor, Jean Shaheen, and their elected officials, they can find the 103 teachers qualified, get them in those classrooms, and meet the goals of this bill.

Let me give you one other example of a State in pretty good shape. It is a larger State, and people might not expect that a large State such as New Jersey would be in good shape, but they are. They have 2,317 schools. Only 400 of those schools have 50 percent poverty rates or greater. They must ensure that 16,000 teachers are highly qualified. Sixteen thousand is a lot, but New Jersey is a big State with a lot of resources. There is substantial wealth in New Jersey. Lots of corporations are there. Their property taxes are pretty high. If they would distribute them a little more evenly, which they are probably in the process of doing, they can perhaps find 16,000 teachers in 3 years.

Let me tell you a sad story. Let me talk to you about 3 States. As you may expect, one of them is Louisiana. One

of them is Mississippi. And the third is Texas. Let me talk about Louisiana for just a minute. We have—Senator BREUX and I—in our State 1,500 schools. Of the 1,500 schools, 1,013 have more than 50 percent of the children in those schools in poverty. Let me repeat that. We have 1,500 schools in Louisiana. Out of that number, we have 1,013 schools that have 50 percent of poverty, or higher. That means we would have to find 30,000 highly qualified teachers for these classrooms. There are only 49,000 full time teachers in the whole state, so we would have 3 years to make sure that 3 out of every 5 teachers meet the qualification requirements outlined in this bill. I don't know how, if we worked 24 hours a day, 7 days a week, between now and the deadline which is in this bill, with the limited resources we have, if we could meet that deadline.

Let me go into a little bit more detail about Louisiana. I want to show you what the challenge is. I think Senator KENNEDY and Senator GREGG, who are very knowledgeable about this, must certainly understand this challenge.

In Louisiana, every year we have 8,000 students enrolled in colleges and universities. The students who graduate are 1,600 every year. We will lose 160 in the test because the tests for teachers will weed out some who are not ready and qualified. That is most important. So we will graduate with degrees 1,440. These are last year's statistics. And 33 percent of these, which the taxpayers in Louisiana paid taxes—income taxes, sales taxes, fees, license taxes—to educate will leave our State. For the most part, they will leave Louisiana because almost every State around us has higher salaries. So we will lose 33 percent of those teachers who come out, leaving us basically with 964 teachers. These teachers will start, and in 5 years 30 percent of them will leave the system, leaving us—out of this graduating class of 1,600—675.

This is not right. This is not efficient. This is a waste of taxpayer dollars. Most important, it is what is contributing to the crisis of us trying to get good teachers in our classrooms.

Now a lot of things can be done.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator from Louisiana has expired.

Ms. LANDRIEU. Mr. President, I yield myself 10 minutes to complete. I ask unanimous consent that I may do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. I appreciate the extra time.

What's more, 66% of the teachers in Louisiana have bachelors degrees. Only 13 of our teachers were Nationally Board Certified in the year 2000. And over 15% of those teaching in our state have not successfully completed their certification.

This is true of Louisiana, but it is going to be true in almost every State

you look at. The numbers of people choosing to teach are just not there to meet the requirements. So lots of things can be done. This bill encourages alternative certification, being creative, getting retirees who have had a successful first career into the schools. For instance, a great program Troops to Teachers, which uses our military to fill these slots. We can no longer rely on 18-, 19-, 20-year-olds. We must broaden our thinking.

There are positive things that can be done, and there are success stories, but they are not free. I contend today, and I will continue to fight in this debate, that there are simply not enough resources at the local and Federal levels to meet the new demands of this bill and to give a promise to our parents and students that they will be taught by a qualified, good teacher.

Let me share some facts about Mississippi. Mississippi is a State that is in a very tough situation. Mississippi has 874 schools. Of the 874 schools, 700 have 50 percent of poverty—students from households represented by an income that hits the poverty level. They need 23,274 highly qualified teachers. Under this bill, they are going to have 3 years to find 23,274 teachers.

Mississippi and Louisiana need help. That is what this amendment is about. It is about saying whatever dollars we can muster, whatever we can scratch out of this budget to make an investment in this Nation's future and our kids, let's get it to the States and the children who have been without qualified teachers for too long. We have examples throughout our history of that special teacher with that special touch who can work miracles for a child, any child, regardless of their race or family income. Let's help get teachers to Louisiana and Mississippi.

Let me end with Texas. Texas is a big State, and they have a big problem because they have 7,228 schools.

Of those schools, 3,190 have student populations with 50 percent of poverty or more. They need a whopping 107,779 qualified teachers in 3 years.

Louisiana, Texas, and Mississippi are examples of States that do not have the same resources other States might have, particularly Mississippi and Louisiana.

This amendment is an attempt to bring the resources that will support this reform, that will help meet the goals of this new education bill to the States and to the areas that could use the most help.

Some people on the other side have said this is a local issue. This might be where the local issue in terms of decisions are made, but if this Federal Government does not step up to the plate and provide some additional resources to help parishes in Louisiana, such as Red River, Orleans Parish, St. Martin Parish, and Iberia Parish and even Jefferson Parish, they cannot reach their full potential. If we do not step up to the plate, they will never be able to find the thousands of qualified teachers

with creativity, with a new approach to education because there are so many barriers.

I thank my colleagues for their attention to the issue of targeting federal resources to our areas of greatest need. It is a very important and fundamental principle of this bill. We have set new high standards. We have left the control at the local level. We have given local governments, as you did, Mr. President, when you were Governor of your wonderful State of Delaware, more resources with which to work, but those resources are not adequate.

I hope as this moves forward that we can increase our investment in our children's education so that the family I referred to in Georgia or my family or any other family does not have to live through the nightmare of having high hopes for a child, sending them off to school only to be in a classroom out of control because we have not provided the resources and the parameters necessary to succeed.

Today, research is confirming what common sense has suggested all along. A skilled and knowledgeable teacher can make an enormous difference in how well students learn. Is the home environment important? Absolutely. Can children learn without their parents or a parent or a grandparent or a guardian encouraging them? No. But can a good teacher make a difference? Absolutely.

Again to quote:

The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. But the great teacher inspires.

We have a nation that was built on hope and inspiration. Our Nation was founded on the belief that tomorrow could be a better day; that men and women would live in liberty and that value is taught through our school system. If we do not commit the resources to help our teachers do the job, if we do not find ways to get more and better teachers in the classroom, we have not only failed our schools, we have failed our country.

I am pleased to say I understand it is going to be accepted. Again, I wish it was broader in its scope because we need to do more, but this amendment targeting our resources will help. I will be back many times to speak about this subject. I thank you, and I believe my time has expired.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I believe I have time, do I not?

The PRESIDING OFFICER. Apparently those opposing the amendment have time.

Mr. KENNEDY. I ask unanimous consent to proceed for 2 minutes.

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

Mr. KENNEDY. Mr. President, I thank Senator LANDRIEU from Louisiana for this amendment. As she has mentioned, this is completely con-

sistent with her previous amendment, which was overwhelmingly accepted, in that it provides greater targeted resources for teachers.

For my money, the most important ingredient in the educational process is having a well-trained teacher in the classroom. There are other components, but this is absolutely essential.

The greatest challenge we face is the neediest and the poorest schools where we need the best teachers have the most unqualified teachers. The amendment of the Senator from Louisiana sharpens the direction of this legislation to ensure, to the extent we can, we get well-qualified teachers to teach the neediest students. It is a very important amendment, and it is a very useful and helpful amendment. I urge the Senate to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Tennessee seek recognition?

Mr. FRIST. I yield back the remainder of our time, and we can have a voice vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 474.

The amendment (No. 474) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. I thank the Senator.

Mr. FRIST. I understand we will now proceed to the Dodd amendment, and that we will have 2 hours equally divided.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 382 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, is recognized to call up amendment No. 382 on which there will be 2 hours of debate equally divided.

Mr. DODD. I ask that the Chair notify me when 15 minutes of my time have expired. I will then ask unanimous consent that the Senator from Tennessee, Mr. FRIST, be recognized for 15 minutes, and at the expiration of his 15 minutes, I be rerecognized to complete my opening statement.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. DODD. I thank the Chair.

Mr. President, I thank my good friend and colleague from Massachusetts, Senator KENNEDY, the chairman of the committee; Senator GREGG, and other Members, my friend from Tennessee with whom I have worked on many issues and for whom I have the highest regard and respect. I appreciate their efforts. I have enjoyed working with them on the Elementary and Secondary Education Act.

This is not a surprise amendment. My colleagues have known for some time I have been deeply interested in afterschool programs. Going back, in

fact, I offered some of the earliest amendments to support afterschool programs as the chairman of the Subcommittee on Children and Families, and then as the ranking member, working very closely with my good friend and colleague from Vermont, Senator JEFFORDS, and Senator BARBARA BOXER from California has been very interested in afterschool programs. Most Senators have been interested in afterschool programs.

Afterschool programs—in a sense, I am preaching to the choir addressing the Presiding Officer as a former Governor of the State of Delaware. He understands the tremendous value of having good, strong afterschool programs and how important they are. In a sense, I am offering this amendment not just on my behalf and those who support this, but I do so on behalf of Fight Crime Invest in Kids, which represents a thousand police chiefs, sheriffs, prosecutors, leaders, police organizations, crime survivors; on behalf of the YMCA and YWCA, which are the largest afterschool providers in the United States—literally there are some 2,500 YMCA and YWCA programs that provide afterschool programs—National PTA, National Network for Youth, Afterschool Alliance, National Community Education Association. I will provide a list.

I ask unanimous consent that the long list of education groups, police groups, prosecutors, and others supporting this amendment be printed in the RECORD.

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

Fight Crime Invest in KIDS
YMCA
NABYC
National PTA
National Network for Youth
Afterschool Alliance
National Community Education Association
National Education Association
School Social Work Association of America
National Association of School Psychologists
Council for Exceptional Children
National Association of Social Workers
Association for Career and Technical Education
American Counseling Association
American Federation of Teachers
National Alliance of Black School Educators
American Association of University Women

Mr. DODD. Mr. President, their endorsement is not fainthearted. They believe this may be the single most important issue of the Elementary and Secondary Education Act. Because we are leaving out under the pilot program—and I want to make this argument so people can understand it; this bill can get a little confusing with all the various pieces of it.

One of the major pieces of this bill is called the Straight A's Program which is called a pilot program.

When we think of pilot programs or demonstration programs, our mind immediately draws on a number that represents a relatively small fraction of

the larger group. It will be a pilot program or a demonstration program. Certainly, this program, when it was announced, sounded relatively small. It is a pilot program that would be in 7 States out of 50, in 25 school districts. That sounds pretty small. One cannot imagine that being any great threat as a pilot program. I am not sure whether it is a pilot program for 1 year, 4 years, 5 years, or 7 years.

This bill is a 7-year bill. I am not sure how long the pilot programs on the grants are supposed to run during the life of this bill. That is rather vague in the underlying bill. It could end up being 14 States or 21 States over the 7-year life of the bill, or is it just 7 States in 7 years? I am not sure of the answer.

In seven States and 25 districts, exclude the 25 districts, I can get you to 44 percent of the entire student population of the United States. If this pilot program that is going to be awarded by the Secretary of Education goes to the 7 largest States and the 25 largest school districts in America, you are at 51 percent of the entire student population of the United States—hardly a pilot program or a demonstration program. I don't think it is a leap of faith to suggest that may be the case.

I expect every State in the United States to apply for the Straight A's Program. Why? Because it eliminates all the categorical programs. It says to the States, you can basically do anything you want with this money. It says you have to serve the neediest kids, but we know under title I how broad a definition that is already under law for 36 years. I cannot imagine a jurisdiction not saying: I would like one of those; I will take Federal money without any strings attached. It is not any great leap of logic to assume that all 50 States and virtually every school district will probably apply for the Straight A's Program.

I don't think it is any great leap if, in fact, you believe this program ought to be national policy and not a pilot program—which is the view of the administration; they only call it a pilot program for the purpose of this bill because if they said they want this to be the national program, there would be a lot of resistance to it. If they call it a pilot program, a lot of people are willing to say they will try a pilot program.

The fact is, this could affect a lot of children for a long time. Seven years may not seem like much in the life of a bill in Congress, but if you have a child in kindergarten, the first grade, the second or third grade, that is the entire elementary education your child will get. So afterschool—I will get to the particular program—is important. This could affect a lot of children. It is why the YMCAs, it is why police chiefs, it is why all the other organizations are concerned about this: because of the potential exposure it could mean to an awful lot of children around the country.

There are reasons why this particular program is important. Let me explain it in context. What happens under the Straight A's Program, all of a sudden community-based, local-based grant applications get eliminated in these 7 States and 25 districts. It would now come from the State education authority or the Governor as to whether or not there would be an afterschool program. This is why people are concerned. We are moving away from local decisionmaking. We are saying in these States: You are out. That YMCA, the community-based organization, and some of the church-based organizations, you are out. It depends on what happens at the State level. They watch the program grow because of the value. There has never been, in the history of the Department of Education, a grant program that has been sought after as much as this grant.

Let me demonstrate the point with this chart. In this year alone there have been 2,762 grant applications. Of that nearly 3,000, only 300 will be funded under existing resources. There have been an average of 2,000 applications a year since the program started, and the numbers are going up. So we are looking at a tremendously popular program. People see afterschool care as critically important primarily to the safety of their children. There is an academic achievement element to this, but it is primarily an issue of safety. In the history of the Department this has been the most sought after grant of any in the United States. That is how popular it is with people all across the country.

We increased the funding for this over the years, but not very much. According to the most recent Mott/J.C. Penney poll, nearly two-thirds of voters report difficulty funding quality, affordable afterschool programs. The Census Bureau reports that nearly 7 million children between the ages of 5 and 14 go home alone unsupervised each week.

Let me show a graph with the number of children, showing the growing numbers of grade-school-age children in self-care in the United States: 2 percent of 5-year-olds have no afterschool care and are home alone; 3 percent of 6-year-olds; 4 percent of 8-year-olds; and 11-year-olds—these are children, not teenagers—10- and 11-year-olds, 1 in every 4 is home alone.

The second chart points out what police chiefs say about the program, and why dumping it into a block grant and eliminating community organizations from asking for help is wrongheaded. Police chiefs were asked in a survey: Which of these strategies do police chiefs choose as the most effective for reducing youth violence in the country? "Afterschool," almost 70 percent chose that. Then it drops way down for "try juveniles as adults," "hire more police," with "metal detectors" at 1 percent. Is there any doubt where those people, who deal with these issues every day believe this program has

value? Is there any doubt whether or not it ought to be taken out of this block grant and left to local community organizations such as the YMCAs, such as our community organizations that find these programs worthwhile, to apply for these dollars?

I can only, with the money, grant 300 out of almost 3,000 a year that apply. But eliminate this, and these 7 States and 25 districts for 7 years, left totally to the discretion of a State agency or a Governor, may cut a lot of these programs. Why? Because a lot of the kids come from some of the poorest rural and urban districts and don't have the local clout to be applying for this assistance and carrying it off.

This is very important. If you talk about basic safety, it is critical. Again, listening to me is one thing, but listen to people who work every day in this area. They are the ones behind this.

Listen to the police chiefs across the country. Let me read their letter:

As an organization led by more than 1,000 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime survivors, we urge you to support a Senate floor amendment to S. 1 to remove 21st Century Community Learning Centers (21st CCLC) from the Straight A's Block Grant.

We are concerned that if 21st CCLC is folded into a block grant with many other educational programs the investment that the Federal government has finally begun to make in expanding after-school programs will wither. After-school programs are different than many of the other programs included in the block grant. They support and enhance academic performance but they are not necessarily direct academic programs. Therefore, in a block grant where the accountability provisions measure only academic performance, after-school programs will likely lose out to regular school-day academic programs.

In addition, as law enforcement leaders and crime survivors we feel strongly that one of the most important aspects of after-school programs is the crime-prevention impact. The Straight A's block grant accountability provisions do not measure crime-prevention outcomes and therefore do not completely recognize the unique nature and importance of after-school programs such as 21st CCLC.

In the hour after the school bell rings, violent juvenile crime soars and the prime time for juvenile crime begins. The peak hours for such crime are from 3:00 to 6:00 p.m. These are also the hours when children are most likely to become victims of crime, be in an automobile accident, have sex, smoke, drink alcohol, or use drugs.

After-school programs that connect children to caring adults and provide constructive activities during these critical hours are among our most powerful tools for preventing violent juvenile crime. For example, in a five-city study, half of a group of at-risk high-school kids were randomly assigned to participate in the Quantum Opportunities after-school program. The boys left out of that program had six times more criminal convictions in their high-school years than the boys who attended the after-school program.

Yet roughly 11 million children go home from school regularly to an empty house. With such a large unmet need, now is the time to be strengthening the Federal government's commitment to after-school programs, not weakening it.

That is 1,000 police chiefs talking about this. Forget about the Senator from Connecticut talking; will we listen to the people who work on these issues every day?

Let me read a letter from the YMCA. This is the largest program, celebrating its 150th year of existence this year. These people know what they are talking about. These are some of the best programs in the country.

This is a letter from Ken Gladish, national executive director:

A recent survey conducted for the YMCA of the USA shows how important afterschool programs are. Among other findings, the survey showed that young people who do not participate in afterschool programs are five times more likely to be D students, twice as likely to get into a fight at school and far more likely to skip a day of school than youth engaged in stimulating, productive activities in the hours after school. According to census figures, more than seven million school-age children are left home alone and on the streets, unsupervised after school. This is far too many of our youth to place in danger of academic failure and much worse.

As the largest private provider of afterschool programs in the country, YMCAs have 150 years of experience providing programs to young people during non-school hours. More than 2,500 YMCAs serve over 9 million children and youth in over 10,000 communities through partnerships with schools, businesses, police, juvenile courts and housing authorities. Many other community-based organizations in this country also have decades of experience operating quality afterschool programs, and Congress is making the 21st Century program better by making sure funding is available for programs operated by these organizations. However, by not requiring the Straight A's states to spend this money on afterschool programs and to make it available to community organizations, Congress will effectively and dramatically limit the overall positive impact afterschool programs can have on local communities.

I ask unanimous consent the full text of this letter be printed in the RECORD.

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

YMCA OF THE USA,
Washington, DC, May 4, 2001.

Hon. CHRIS DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: On behalf of the YMCA of the USA, I would like to thank you for offering your amendment to the reauthorization of the Elementary and Secondary Education Act to remove the 21st Century Community Learning Centers program from the "Straight As" demonstration provision. Dedicated funding for afterschool programs and the ability of community-based organizations to compete fairly for this funding would be severely restricted without passage of your amendment.

A recent survey conducted for the YMCA of the USA shows how important afterschool programs are. Among other findings, the survey showed that young people who do not participate in afterschool programs are five times more likely to be D students, twice as likely to get into a fight at school and far more likely to skip a day of school than youth engaged in stimulating, productive activities in the hours after school. According to census figures, more than seven million school-age children are left home alone and on the streets, unsupervised after school.

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As we celebrate our 150th anniversary in the United States in 2001, YMCAs remain committed to doing what it takes to build strong kids, strong families and strong communities. Thank you for your efforts to increase opportunities for all our kids.

Sincerely,

KENNETH L. GLADISH, Ph.D.,
National Executive Director.

Mr. DODD. Can there be any more eloquent argument that whatever else we do with Straight A's and academic performance, we should not take a program for which there is such need in this country, where the overwhelming evidence is that police officers and people who provide afterschool programs are begging us not to jeopardize the millions of kids who could be in a pilot program affecting literally millions of children—we should not exclude this valuable tool for keeping kids safe and providing some safe harbor for them in the afterschool hours.

With that, I promised my good friend from Tennessee, because of other obligations he has, to provide him with whatever time I have remaining to respond to these eloquent, persuasive arguments—maybe he will endorse the amendment at this point—and then I have unanimous consent to reclaim my time.

Mr. FRIST. I appreciate the Senator from Connecticut outlining the debate in which we will be engaged for the next 2 hours. He raised many important points.

I do rise in opposition to the Dodd amendment. Over the next 13 or 14 minutes, I hope to explain to my colleagues why I am opposed to this amendment. I will address two issues. No. 1, I will address problems with the substance of the amendment itself and its impact on the underlying bill. No. 2, I hope to reveal how this particular amendment, in stripping out part of the bipartisan education bill, violates the principles behind this bipartisan agreement. I mention this right upfront because if this amendment were agreed to, it would potentially threaten the entire education bill.

Most important, in response to the eloquent words of the Senator from Connecticut, we should focus on the

substance of the amendment itself. First of all, you will hear several terms. One is "Straight A's"; one is "21st Century School." Let me back up a little bit and paint the big picture.

"Straight A's" is the title that is given for the program entitled Academic Achievement for All. This is a program that is a part of the underlying bill. It functions as a pilot program. Its purpose is to demonstrate, not on a nationwide scale, but for up to 7 States and 25 districts which can apply to qualify for this pilot program. The reason the program itself is so important to our side of the aisle is that it does crystallize and underscore the important principle of flexibility and—and this is where I disagree with my colleague—local control. Local control is coupled with higher standards of accountability.

The BEST bill requires all students meet standards of achievement. However, if you participate in this voluntary pilot program, you are given greater flexibility to make decisions at the local level, and you will be required to deliver higher standards than are required in the underlying bill.

Again, I mention it because people think this is a block grant with no strings attached, and that is simply not true. The strings are attached in the form of high academic standards and accountability. If you don't meet the standards, you cannot participate; again, if you don't qualify in the evaluations that are built into the underlying bill, your privileges of flexibility are taken away.

What funding are we talking about? We are not talking about enormous Federal block grants which are taken from education funding. Many are concerned about the approximately \$8 billion title I funds that are aimed at disadvantaged children. No, we are talking about the other programs, non-title I funds. I do not want people to misunderstand where these funds will come from. I can't emphasize this enough.

After a lot of negotiation with the White House, with the Democrats, with the Republicans, we brought everyone to the table, and we agreed on certain programs. That is why Straight A's is in the underlying bill. But this amendment is trying to strip it out. We agreed to choose those categorical programs which conform to the ideas in the underlying bill: Increased flexibility and strong accountability. The pilot program links greater flexibility to accountability for higher student achievement. Not all 18 categorical programs incorporate these two components. However, I believe about 9 do. Nine categorical programs have been included, one of which is the 21st Century program. This is an afterschool program. It is a program which I believe, as the Senator from Connecticut does, is a very positive, important program which is integral to strengthening the entire underlying education bill.

The program may be worthwhile. I am not going to argue that it is not, because the program is a worthwhile program. I will argue, however, that there are situations where local districts should be able to use that money for afterschool programs, or for more tutoring, or for more teachers, or for class size reduction, or for teacher training, or for school construction. They ought to have the freedom to choose how best to use those funds, and this pilot program gives local and State officials the authority to do this.

It captures innovation through increased accountability with local control. Those concepts are terribly important to the Republicans.

We started negotiating with all 50 States to agree to more flexibility if they guarantee high accountability. But, in the negotiations, it went from 50 States to 40, to 30, to 20, to 10 and now we are down to 7 States. Indeed, we had 9 categorical programs with title 1 funds. We started with many more. But after negotiations with the White House, Democrats and Republicans, we narrowed it down 9 programs which made sense to be a part of this consolidation as we go forward.

Clearly, President Bush feels strongly about flexibility and local control. It is part of his larger agenda. And so much of the underlying bill itself has moved away from the flexibility that I and many others had hoped would be in this bill. This is the only thing left in this overall education bill that really captures high accountability, maximum flexibility, and local control.

It is important for our colleagues to understand that negotiations and compromise brought us to the point where we agreed in a bipartisan way to narrow the scope of this program from 50 to 7 States. We also included fewer categorical programs to raise the academic standards. It was a bipartisan compromise. Therefore, I have to mention that if this amendment passes, it will strip away the heart and soul of Straight A's, which is in the underlying bill. In fact, it jeopardizes the entire education bill.

Let me elaborate on flexibility. Seven States will participate. They can still have the Safe School Programs, but they will make that decision for themselves. We allow for diversity at the local level. One district might take a lot of steps toward an afterschool program. In another district, they may already have an afterschool program funded in some other way. They may want to use those funds for more teachers or improving technology or for more computers in classrooms. All of these initiatives can improve education, but only the local schools know which programs will most effectively improve education. Again, this can only be done when they are given maximum flexibility and local control.

What does the Dodd amendment do? It destroys the program. The Dodd amendment destroys the pilot program because it takes away from the overall

funding that is available. If a State is accepted into the program, the Dodd amendment takes away about 40 percent of that funding, leaving only about 60 percent of the funding for flexibility programs.

We know, based on the negotiations with States and districts, that if the Straight A's program only provided the little amount of funding which the Dodd amendment allows for, it wouldn't be worthwhile for a State or a district to participate.

This amendment takes 40 percent of the funding out of a very important program that we negotiated through compromise. We simply cannot strip more out of it because nobody will take advantage of it. It destroys Straight A's. It destroys what is left in the education bill that we feel strongly about, and that the President of the United States feels strongly about. It is one of the few things left in the bill that captures innovation, captures creativity, and focuses on local decisionmaking coupled with high standards of accountability.

There were several questions that the Senator from Connecticut brought up. I will go through them again.

He mentioned the pilot program which requires a review of the State's performance. If a State fails to meet what is agreed to in terms of the average yearly program for 2 years, or if the State fails to exceed the average yearly process for 3 years, the agreement is terminated right then.

He mentioned that the Straight A's program will eliminate all of the categorically targeted programs. It does not eliminate all of them. I think as we observe which programs local schools choose, we will understand which programs are most effective and more frequently implemented, but it doesn't eliminate all of them.

I started with 50 States. That is where we were. That is what our Republican caucus wants. We don't want to impose the program on any State, but if a State wants more flexibility in exchange for higher standards, they should be able to choose this path. We whittled it down from 50 to 7 states, but we just can't take away anymore and still have an effective program. I hope as many States as possible will take advantage of this program.

The Senator from Connecticut made a point about losing local control. This is an important principle because larger principle behind this program is: local people can make better decisions. They will make better decisions, if they are held accountable to improve education.

That is what this elementary and secondary education bill is all about—reauthorization of education for those children. Local districts get the same amount of funds, but they decide what their priorities are. This includes afterschool programs; we are not taking that away. They get the exact same amount of money. But they can decide where to spend the funds. Maybe in

rural Tennessee all of the kids are out playing football in the afternoon and don't need an afterschool program.

Under our plan, they can take that same amount of money and put it in tutoring for those students who are not doing as well academically. Today, they don't have that flexibility. The money has to go straight into the 21st century afterschool program whether they want it to or not.

The Senator from Connecticut said the programs would eliminate afterschool programs. We don't eliminate them. We believe that local districts should use that money for afterschool programs, if they like, or for teachers, or for technology, or for tutoring, or for textbooks.

Are there strings attached? Absolutely. This is not a block grant program where they can take the money and use it however they want. Again, this is not a block grant.

That is why, again, it came from the negotiations. We put the standards pretty high in the underlying bill—but raised them even higher for the straight A's program. These are the highest standards anywhere in the bill. If a district participates, they will operate under higher standards, or they will not qualify to continue to participate in the program.

We do not eliminate all categorical grant programs. For example, we didn't touch the reading program. We didn't touch homeless or Indian or emigrants or vocational education. Are all categorical grant programs within bipartisan negotiations? Yes, it was narrowed down 17 to 9.

I will close. Again, I appreciate the Senator from Connecticut allowing me the opportunity to respond to some of the points he made. I appreciate the support of my colleagues on this bill. I hope to be able to speak a little bit later this afternoon.

THE PRESIDING OFFICER. The Senator from Connecticut.

MR. DODD. Mr. President, I appreciate the comments made by my friend from Tennessee.

I am unclear—I don't expect this to be resolved in this amendment—as to how long these actual block grant applications will be in existence. It is unclear in the bill. That is why I said it could be 7. It could be 14. It could be 21 States, if the grants are for shorter periods of time. That is an open-ended question.

But the important point I want to make and the distinction here is that the decisions within the State are not made locally. That is a big difference. They are made by the State education authority, or the Governor. We had that debate the other day as to who would dominate in that discussion.

But the idea that the local town or some community in Delaware or Connecticut can make the decision about an afterschool program is not the case. I wish it were. That decision, and whether or not you are going to get any afterschool programs, will be made

by a higher authority. They are the ones who will make that decision.

Under the existing program, the town or the county can apply, and they can receive it or not. But it is a local decision. If you have football programs locally and you don't need it, you don't apply for it. There are many communities who need the help, so they apply directly. Some are not communities, they are community-based organizations, which are expanding tremendously. That is why YMCAs and other organizations, even some that involve churches and synagogues, are allowed to apply here, which does not mean the State has to make that decision.

So all I am saying under the Straight A's Program is, just on those after-school programs, leave it to the local communities to decide whether or not they think afterschool programs are worthwhile. I do not believe that is that great a difficulty.

By the way, on the percentages taken out—this has been said over and over again—I asked the Congressional Research Service to give me their financial interpretation of what my afterschool program would mean in the context of the Straight A's Program. If you exclude title I, yes, my colleague from Tennessee is right, it is 40 percent. But I do not think you can pick and choose here.

Under all of the Straight A's Programs, the afterschool program amounts to 5.7 percent. That leaves roughly 94 percent of the dollars under Straight A's that is still there to do all the other things for academic performance.

So if you are going to define Straight A's as eliminating all non-title I funds, of course you get a higher percentage. But that is not what this is. Under Straight A's, it the entire pot of money, it is 5.7 percent, not 40 percent or 50 percent, as has been argued by some. So I make those two points particularly.

The rest, as my colleague has said very candidly, would like to have all 50 States under this, with no strings attached, to just go out and do what they want to do. That is why there is an Elementary and Secondary Education Act.

Why did the Federal Government, 36 years ago, pass this law? It passed the law because there was a growing concern that the neediest of children in the United States—28 million of them who grow up in poverty, and 12 million working families in poverty, and others—that there was a need to step in and try to do more to see to it that the neediest children would be served. That is why there is a Federal Elementary and Secondary Education Act, because there was a concern across the country that these neediest kids' needs were not being met.

Over the years, we have contributed about 6 cents. It has gone up from 4 cents to 6 cents of an education dollar; that is, 94 cents comes from the State and local property taxpayers, and 4 cents or 5 cents or 6 cents of the edu-

cation dollar comes from the Federal Government.

So what we are trying to do in that 6 cents is just to make sure that in certain areas the neediest of our children are going to get served, not that we have a right to guarantee anyone's success. We do not. There is no obligation to say to Americans: You ought to count on your Government guaranteeing you success. That is out. What we try to do—all people at all levels in our society—is to create equal opportunity for people. That is the beauty of America. That has been such an attraction to people all over the globe and why people every morning get up around the world and line up around U.S. Embassies to try to come here, either as citizens or as green card holders.

There are a lot of reasons why they come, but I think the most important one is that this is a place of equal opportunity. We are not perfect. We have not arrived at perfection, but we try very hard to see to it that, regardless of where you come from, if you are a citizen of this country, regardless of ethnicity or background or religion, you have an equal opportunity to succeed. That is America. There is no guarantee of success, but an equal opportunity to succeed.

That is what this is all about. That is the beauty of America, more so than our wonderful natural landscape or the economic wealth of our country. As important as those things are, I have always believed that the great beauty of America, the great magic of it, is this notion of equal opportunity.

How equal can the opportunity be if your education isn't equal? I have told the story in this Chamber, when my great grandmother came to America, at age 14 or 15, with her husband—Thomas and Catherine Murphy—from the west coast of Ireland, she could not read or write. That was not uncommon for immigrants in the 19th century and early part of the 20th century. The first thing she did was she got herself elected to the Voluntown, CT, school board. She understood that education was going to be the key for the nine children she was about to have—my grandfather being the ninth—and that was the way you were going to get ahead. No guarantee of it, but if you had a decent education, you had an opportunity to get ahead.

We are at the beginning of the 21st century, not at the end of the 19th century, and I happen to believe that principle my great grandmother intuitively applied to her own family. It is something we ought to apply to all families. At least give people a good education in this country, a good starting block—that is what this is really all about—and see to it that kids can be safe.

As you can see from the chart, when you have between 7 million and 11 million children home alone—if you take 5-, 6-, and 7-year-olds, and you have 9 percent of 5-, 6-, and 7-year-olds alone for hours after school, and you have

10-, 11-, and 12-year-olds, where about 60 percent of those kids are home alone, you have a problem on your hands. You do not need a Ph.D. in child psychology to tell you that.

You ask any parent who is working what they worry about at 2 or 3 o'clock in the afternoon. Sometimes in rural communities—not so much today with cellular phones, but before the arrival of cellular phones, it was sometimes hard to get a call through because parents who were working were calling their houses at 2:30, 3, 3:30 to see whether or not their child was home safely.

There isn't a parent in America who does not worry about where their kids are when school lets out. That is why there are almost 3,000 applications for afterschool programs. That is why 1,000 police chiefs have begged us to adopt this amendment. Because they understand it as the most important issue when it comes to preventing crime and juvenile problems, and kids who become victims.

This isn't about liberals and conservatives, Republicans and Democrats. That is not what this is about. You go ahead and ask these people. Ask the YMCAs what party they belong to. Ask those 1,000 police chiefs what party they belong to. Ask crime survivors, are you a Democrat or Republican? That is not what they said in the letter. They said: We are people who know what we are talking about, and we think afterschool programs make sense.

Academic achievement is important. I have said I would support this pilot program. I have my concerns about it. I am not the first to admit that. But I am willing to try it, provided there is adequate funding. I doubt the funding may be there, but if the funding is there, let's try this over the next 7 years. If your child ends up in one of these States and is a guinea pig for the next 7 years, that may be another matter. But that is not the case. So we will try the pilot program.

But why would you throw afterschool programs into the guinea pig area when we know it works? When every community in the country will tell you they need it? When you have people who have dedicated their lives to this, who understand it, why are you going to throw this into that situation where some State authority is going to decide whether some rural county or some urban community ought to have some money for after school? That is what this bill does. You take away local authority when it comes to applying for the grant applications. They have no authority to apply for them. It will be a decision made at the State level.

The local authority is gone. So that local YMCA, that local Boys Club or Girls Club out there, they will not have the right to apply to the Department of Education to ask for an afterschool program and assistance. They are going to have to rely on someone in their State capital to decide whether it is OK.

I say to the Presiding Officer, as a former Governor, you understand as well as anyone how difficult that can be. We all know it. It is hard to work the different battles that go on, and so forth. Sometimes it isn't just how this works. For the 3,000 who apply and the 300 who get some help—if you want to help them, increase the funding for it instead of throwing it into a block grant where it is a jump ball over whether or not this program is going to be funded.

We heard my colleague from Tennessee say this is a great program, the 21st Century Community Learning Centers. Everybody who stands up says this is a great program. Then why are you throwing it into a roulette wheel for the next 7 years to see whether or not communities might get some help? If it is such a great program, if the communities are telling us it is a great program—and I will repeat what I said at the outset, there has never been a grant program that has been sought after as widely in the history of the Department of Education as the 21st Century Community Learning Centers. We are about to take it and dump it into a Las Vegas environment where you are shooting craps on whether or not you may end up with a good afterschool program, despite the fact every organization you can think of that works in this area is asking us to do otherwise.

I am not suggesting that Straight A's eliminates all categorical programs. I realize that. There was some negotiation that went on, and so some made it, some didn't. I accept that. That is politics. That is how it works. Don't try to convince me it was done on the merits. It was done on who could get in the room, who couldn't, what deal was going on. Afterschool got left out. That is all.

I am here today to say: Look this does not directly relate to academic performance. It has some impact. As we heard, kids who are in afterschool programs do better academically. Those who are not do worse. A lot of other things happen to them.

Academic performance is very important. I don't question that at all. But it is not the most important or the only thing. There are other things that are important as well.

A kid's safety is important. Ask a parent whether or not they think their child is safe after school has any value or any importance. I think we know the answer. If you ask them if academic performance is important, of course, they will say it is. But they don't believe you ought to make it a choice between academic performance and a kid being unsafe.

I am suggesting we can do both. You can test academic performance through this pilot program, but you can also, as part of the Federal Government's commitment to education, provide some small resources to community-based organizations that desire them. It is their decision to apply. I am not dumping the money out to them.

They have to apply. They have about a 1 in 10 chance of getting it, even if they do apply. Of the 3,000 that apply, 300 make it. So even if you have a strong desire for one, under present funding levels, you have a very small chance of getting it. But why eliminate any chance at all or leave it to the whims of what happens at the State level where a lot of other issues are going to be in play?

I apologize for getting wound up. Obviously, I care about this. I see my colleagues from New Jersey and Rhode Island here. I also see my colleague from Arkansas who I presume wants to be heard on this. I will yield some time to my two colleagues if they are interested.

THE PRESIDING OFFICER. The Senator from Connecticut has consumed 31 minutes; 29 minutes remain. The opposition side has 45 minutes remaining.

MR. DODD. I yield 5 minutes to my colleague from Rhode Island, and then I will go to my colleague from Arkansas.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. REED. Mr. President, I rise to commend the Senator from Connecticut for his amendment and for his passion. He is exactly right. He is focusing on a very important program, the 21st Century Community Learning Centers.

I speak not theoretically but from experience. About 2 weeks ago I went to Central Falls, RI, the poorest community in my State, a community so poor that the school system has been taken over by the State of Rhode Island. I was there because they were announcing the opening of a support center that would integrate all the services necessary today to effectively deal with the education of a child. It was located right next to one of the elementary schools. It would be open to parents and provide the resources and services necessary, health care services, screening services.

This initiative was sponsored by the United Way of Rhode Island. The good news, it is spreading from Central Falls to other communities in Rhode Island, starting next with Providence, our biggest city. At the core of this initiative: A grant for the 21st century learning program from Federal education. This grant helped the United Way move forward and provided additional momentum, the thrust to go forward with this.

That is an example of how this program has materially affected the education of students in Rhode Island. Central Falls is the poorest community, heavily Latino, with new Americans coming in. It needs all sorts of services that you don't typically find the extra dollars in the budget to deal with. And the 21st century grant provided the additional necessary resources. That is an example of how we can make a real difference.

This 21st century learning program has made that real difference. The Sen-

ator from Connecticut is so right, we are sacrificing this ability to go ahead and make these critical differences, inspiring local participation of the United Way, combined activities, doing what we all say we want to do—bring the whole community into the education of children.

The risk of a block grant is that these priorities will fall by the wayside. A school district that is faced with paying salaries, fixing buildings, everything else, will say: I would love to do this. This is exactly what we have to do, but we don't have the resources to do it.

I commend the Senator.

Let me suggest two other areas with respect to the Straight A's program that I think are very important. First, the program is being presented as a pilot program. The reality is, if you do the mathematics, and if you take seven States, such as California, Texas, New York, Florida, Illinois, Ohio, and Pennsylvania, and then you take the 25 largest school districts outside of those states, Straight A's could potentially apply to about 51 percent of the students in the country. That is a rather significant amount of children subject to this pilot program. We have to be very clear that this program could be far from a pilot, that within a year or so we could see 51 percent of the students of America subject to this block grant program, magnifying all of the concerns expressed by Senator DODD of Connecticut and others.

Let's be very clear, this is a pilot, but the pilot is flying a stealth aircraft. We could find ourselves not with a pilot program to evaluate, but in the midst of a widespread, significant change in public policy in the United States.

I originally filed amendment No. 537 to try to truly restrict this to a pilot program, but I think, because of many factors, this is a discussion that will probably take place in conference, as the House version comes over without the widespread application that is potentially in this bill.

One other point about Straight A's: I have been insistent on getting parental involvement in this legislation. With the cooperation of Senator GREGG and Senator HUTCHINSON and everyone on the committee, we have made real strides. But unfortunately, some of those parental involvement protections would not have to be followed in Straight A's states and districts. I filed amendment No. 399 to ensure that those other parental involvement requirements of S. 1 would have to be followed, such as various provisions of section 1118, and other provisions throughout S. 1 which require parental involvement, including teacher quality and safe and drug free schools. I would hate to see the parental involvement provisions go by the wayside because of a block grant approach. I don't want to get involved in an extended debate over each of the parental involvement provisions right now, and will not offer

this amendment, but will continue to address these issues as S. 1 moves to Conference.

Let me return to the issue at hand and conclude. Senator DODD's amendment is well placed, well stated. This is about practical improvement of schools. I have seen this improvement in Rhode Island. We will lose it if we go to a block grant. If you ask yourself what is wrong with American education, one of the things that has been wrong is that the governance of education for too many years has ignored problems that have festered—poor professional development, poor infrastructure, many things such as that. Who are these people? They are the Governors, the school committees, and the Congress. But what we propose to do in a block grant is to reinforce this lack of performance, this turning over of the keys and keep doing what you are doing.

I suggest there is a middle ground between a block grant program and micromanagement. One example of how that works successfully is the 21st century learning centers. I hope we can maintain that.

I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired. So far Senator DODD and those speaking in favor of the amendment have consumed 37 minutes; 23 minutes remain. Those in opposition have consumed 15 minutes; 45 minutes remain. Who seeks recognition?

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself such time as I might consume in opposition to the Dodd amendment.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. HUTCHINSON. Mr. President, as we hear the debate on removing the 21st century program from the Straight A's demonstration project, I am reminded very much of the fierce debate that occurred in the early and mid-1990s over welfare reform. I was in the House at the time and there were those of us who believed that the great reforms that were taking place in welfare were occurring at the State level—there were a number of Governors around the country who were in the forefront of reforming, and the Presiding Officer was one of those Governors—and that the best thing we could do on the Federal level after a generation of trying to micromanage welfare, and having done a miserable job at it and, in fact, having seen welfare dependence only increase in our country, many of us believed, on a bipartisan basis, that the best possible thing we could do was to give the States broad new flexibility in the reforms they would enact at the State level.

There was a fierce debate over whether that was a good direction in which to go. The opponents continually raised the issue that you can't really trust the States and we dare not give

them that kind of flexibility; if we give them that flexibility, they will misuse it and they will abuse the poor and they will not take care of the most vulnerable in our society. And there was the hue and cry about block granting being the great evil; that only those of us in Washington knew how to care for those who were in need. Many campaigns were run on the issue of how callous and heartless it was to pass welfare reform.

Well, history demonstrated that that was one of the greatest things we could do for the working poor and for the welfare-dependent in this country—the welfare reform that Congress passed and President Clinton ultimately signed into law. As a result, welfare rolls nationwide have fallen. Tens of thousands have gone from a life of dependence to a life of productive work and have begun to realize and to live out the American dream.

As we bring forth a very small demonstration program that has been compromised and compromised, whittled and whittled, until it is but a shadow of its former self, we hear the same arguments raised against this small demonstration program that we heard against welfare reform years ago. I know there are differences, but there are a lot of similarities; the argument is basically the same: You can't trust that the States are going to do the right thing. Never mind that they are elected by the same people who elected us. It doesn't matter that they are accountable to the same constituents to whom we are accountable. We can't trust them. Only we can ensure that these programs are conducted in the right way.

There have been good faith negotiations that went on, bipartisan negotiations, about a bill and about a program—the Straight A's—that at least there could be a little effort, a little opportunity for States—no State would be compelled to—and for 25 school districts—but no school district would be compelled—to enter into not a block grant in the purest sense but a program in which they would be given greater flexibility than ever before in exchange for a very tight commitment on performance improvement.

But if a State is going to make that kind of commitment, there has to be some incentive. And the more we pull out of the Straight A's demonstration program, the less incentive there is. I think most who have looked at what is left of Straight A's would agree that if the Dodd amendment passes, there will be little if any incentive. There will not be a Straight A's. This will destroy it, take out the very heart of it, and there will not be one State or one school district that would see it worthwhile to make the kind of commitments required under Straight A's for the limited flexibility that would remain.

Let me just say, as we think about where this program has gone, the President campaigned on this and he

called it charter States. He saw it as a national program. He wanted to make it an opportunity for all States. This is where we are now. We have gone from 50 States and 14,000 school districts to a demonstration project for 7 States and 25 school districts. For those who would argue that we have not given, not compromised, I say we have compromised to the point that there is nothing left if this amendment passes. So we have gone from a national program of 50 States to 7 States and 25 school districts.

Additionally, there must be geographic distribution if more than that number applies. We have gone from no targeting of Federal dollars to maintaining the title I targeting to schools unless an alternative method better targets. We have made that compromise from the original program. We have gone from no limitations on non-title I dollars to providing that non-title I must target as well—additional targeting. That is a compromise that the authors of this legislation have made in the course of the negotiations. We have agreed to take out reading—a \$1 billion program—from the list of eligible programs.

We also agreed to take out the following programs in the negotiations, as the Senator from Connecticut well knows. We agreed to remove the migrant program, the homeless program, the immigrant program, and the Indian program. We have agreed to maintenance of effort language—another compromise made from the original proposal that the President ran on and that so many of us believe in and have sought. We have agreed to restrict the amendment process so SEAs or LEAs cannot game the process. We have agreed to allow an LEA to opt out of the performance agreement upon permission from the SEA. We have agreed to require parental involvement to be required in the performance agreement. That is something that Senator REID sought as a concession in the process of negotiations that were made. We have agreed to requiring parental participation and that it be reported. We have agreed to prevent a State from becoming a charter State if an LEA becomes one until the end of the term of the LEA performance agreement.

We agreed to make the sections of title I apply, and there are six different sections that we agreed to make apply. None of those sections were originally applied to Straight A's. We have agreed to include teacher quality and bilingual education goals as part of the performance agreements—another concession and compromise made. We have agreed to strict private school equitable participation language. We have tightened the approval requirements for the performance agreements so it will be subject to peer review and based on quality, not first come/first served as was done with the Ed-Flex legislation. We have tightened the amendment procedure for amendments to performance agreements. We have agreed

that a State or district may not get an Ed-Flex waiver for any program it consolidates under the performance agreement.

On and on goes the list of concessions that have been made, in trying to preserve an important part of this education legislation. And now the last remnant is sought to be pulled out as well. Basically, when we vote on this amendment, the question is: Do we want to have a Straight A's demonstration program or not? To vote for the Dodd amendment is to say we should not have this at all. If that is the position, it is honest, but let's just say that not just whittle it down until there is nothing but a few fragments of sawdust left of what was a concept and an idea that had great merit. So we are clinging to that which is left, after all of the concessions that have been made.

To pull this program will pull so much of the remaining funding resources in the Straight A's demonstration program that there will be virtually no incentive for school districts or for States to participate. It will be but a figleaf. It will be that we can say, well, it is in the bill, but what is there isn't—we really would not even get an idea of whether it was a workable concept in the first place if this much is pulled out.

I plead with my colleagues. I don't question the sincerity of those who are devoted to this. There are devotees to every program in Straight A's. I am certain that there are worthwhile qualities to most of those programs. But if the concept is we consolidate spending streams, provide flexibility to the States and local school districts, in exchange for a guarantee that they are going to increase performance, then we must set aside those very parochial, programmatic loyalties to say at least in these few States and few school districts we will give them the opportunity to experiment and see if they have a better way.

I ask my colleagues to defeat the Dodd amendment, to preserve what is left of the Straight A's Program in this demonstration, and allow those few States and those few school districts that will be given an opportunity under the language in the bill to have a chance, given the new flexibility they will have, to demonstrate that the reforms and the leadership they can provide at the local level will, in fact, reward the children. That is where our great interest should be, not in preserving a program but in doing what is best for the children.

I thank the Chair and reserve the remainder of our time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Connecticut.

Mr. DODD. Madam President, I yield 5 minutes to the Senator from New Jersey, Mr. TORRICELLI.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. TORRICELLI. Madam President, I thank the Senator for yielding the time.

I believe these have been a very productive few weeks in the Senate. I am very proud of the institution and how, on a bipartisan basis, it has put differences aside and found common ground in dealing with the educational problems of our country.

In adopting the Dodd amendment on title I, for the first time we are guaranteeing that poor school districts will receive 100 percent of their title I funding. What a remarkable statement by this institution.

Currently, there are districts in our country that are receiving a third or a quarter of that to which they are entitled, imposing an enormous burden on local school districts.

We adopted the Harkin amendment to meet our Federal commitment to special education by guaranteeing \$181 billion over the next 10 years. In 1975, when IDEA was created, the Federal Government promised to pay 40 percent of the special education needs. Last year, it paid 13 percent.

These are two remarkable positions by this institution in which every Senator should take great pride.

Blocking school voucher amendments stated our commitment to the public school system on an uncompromised basis. In fact, we will be funding reading programs at the \$900 million level next year and voted to authorize \$3 billion for professional development programs.

All of these things, including the President's proposal for accountability and testing and those programs Democrats have supported for a long time, enhance the quality of performance and teaching.

With this amendment, Senator DODD takes us into a new area, not simply accountability, not only instruction, but the lives of the students themselves, recognizing that education involves all of these aspects of a student's life, including the quality of their lives and what they do after school, recognizing it is all part of preparing a student for life.

That is why I support the Dodd amendment. That is why I believe this is not a matter of discretion for some people who believe they should do it or should not do it. This is a national commitment to recognize that education is a part of the entire student day. It may be a Governor's responsibility. It may be a local school board's responsibility. It is also our responsibility. This makes sense.

I know something about this subject. In the 1950s, it was unusual for a young woman to work outside the home. In the community in which I lived in suburban New Jersey, I believe I may have been the only student who came home after school to an empty home, not simply because my mother chose to work but because she had to work. I remember those hours. School let out at 2:30 p.m. or 3 p.m. My mother and fa-

ther would work until 6 p.m. or 6:30 p.m., and for 3 and 4 hours sometimes I would sit in my home alone.

My community was without some of the temptations of modern life. I encountered few problems, but I remember that stage of life. That is why when police chiefs were asked, as Senator DODD has demonstrated, what would you do to deal with school violence, the problems of students, 69 percent said exactly what Senator DODD is doing: Afterschool programs.

We have done every one of these other things. Metal detectors in schools: We did that and should do that. One percent of police chiefs said that was the answer.

Hire more police officers: We did that for years and we should. That is 13 percent.

Try juveniles as adults: Many of our States have done that. The Federal Government is doing that. That is 17 percent.

The Senator from Arkansas said: Why don't we listen to those of our constituents at other levels of government who have more experience? Exactly, I say to the Senator.

Look at Senator DODD's chart. Of the police chiefs involved in this every day, 69 percent of them said afterschool programs. That is what we are doing, and it is the right money in the right place.

What may have been unusual in my suburban community in New Jersey is now common to millions of Americans. Twenty-eight million school age children have parents who work outside the home.

Maybe I was the only child in my town, but 15 million American children in the afternoon now return to an empty home, and my colleagues know what that means. Juvenile crime peaks between the hours of 3 p.m. and 6 p.m. All of those police officers looking in the middle of the night for kids who are committing crimes, causing problems, are looking at the wrong time. That is not the problem. It is after school: No parents, no teachers, no supervision, no options. Senator DODD is offering the option.

Violent crime: The greatest risk to our children being hurt themselves is not in school. We are putting in metal detectors and police officers. But it is after school: No options, no supervision. Senator DODD has the answer.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. TORRICELLI. Will the Senator yield me an additional 3 minutes?

Mr. DODD. I yield 3 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Madam President, a few weeks ago we adopted the Boxer amendment to authorize \$2 billion for afterschool programs, but under the current bill States can opt out of providing afterschool care for those who need it. This is not something on which people should opt out, not recognize the problem. It is not a local problem; it is a national problem.

There is not a study I have ever seen where it is not clear that not only is

this the source of juvenile violence, it is the principal time of the day and the time in life when young people experiment with narcotics. It is a principal reason and a problem for teenage pregnancy.

Many things in America change. Some do not. Young people without supervision and time on their hands are mischievous, are led to temptations and wrong influences. This, I say to my colleagues, is an opportunity to address the problem, and the evidence could not be more overwhelming. A national study of five housing projects with afterschool programs and five without shows us the difference. Those without had 50 percent more vandalism and 30 percent more drug activity than those with afterschool programs.

This Senate has met its responsibility with IDEA. We have taken a stand on special education. We are putting resources into reading. We have answered the President's call for accountability and testing. We have resisted abandonment of the public schools on school vouchers. Every Member of the Senate can be proud of this education bill.

Senator DODD now writes the last word, and what we did during the school day we now provide for afterschool programs. I am proud of his amendment, proud of Senator DODD, and I urge my colleagues on a bipartisan basis to support his amendment.

I yield the floor. I thank the Senator for the time.

Mr. DODD. Madam President, before he leaves, let me thank my colleague from New Jersey. He always brings a new level of eloquence to any debate in which he is involved. While we all from time to time bring our own natural experiences to these discussions and debate, his discussion of growing up in New Jersey in the home where both his parents worked is certainly a poignant remainder of what happens today with a lot of children throughout America.

There are 28 million children in 12 million families struggling to make ends meet, and of that number a staggering number of these kids are home alone, or if not home, someplace else unsupervised. For those reasons, over 1,000 chiefs of police have written and beseeched in the strongest language one can imagine that this amendment be adopted, along with the 2,500 YMCAs across the country, an organization that has the longest record in history in providing afterschool programs.

I underscore they did a survey on their own and the Senator from New Jersey pointed it out, but I repeat it because their findings corroborate what the Senator from New Jersey pointed out. Among the findings, the survey showed that young people who do not participate in afterschool programs are five times more likely to be D students. So there is an academic relationship here. They are twice as likely to get into a fight at school and are far more likely to miss school than young people engaged in stimulating,

productive activities in afterschool hours.

Every study and survey we have seen shows this. That is why the chiefs of police, who work with this problem every day, want this. If you want to know what local people think, obviously, afterschool is desired.

Mr. TORRICELLI. Will the Senator yield?

Mr. DODD. I yield.

Mr. TORRICELLI. As we debate this issue, we understand the forces in education that will fight for more money for special education. And they should. I understand the constituency that wants school construction. I support that.

My concern is there is not a constituency, other than us, representing the interests of law enforcement and our own experience with these children who are fighting for money to deal with this violence and afterschool activities. Senators, on a well-reasoned basis, come to the floor and say, make this all discretionary; throw it into a pot and let the States do what they want. But, I don't know who is coming to Trenton, to my State capital, to fight for afterschool programs.

I know the people who want construction. I know the people who want more teachers. I support them. But I don't know who is going there representing the mothers and the fathers who are not home in the afternoon or the police chiefs who are concerned about drug use or teenage pregnancy. They only have us. That is why I am not for taking away anyone's discretion. I believe in the judgment of the State and local governments, but this is an instance where the Congress has to compensate for the fact that we know from experience, we have looked at the empirical data, and we have heard from the police chiefs, and we know what is happening with the students on their performance when they don't have afterschool programs. We know what happens with teenage pregnancy and drug use. We know the evidence. This is a case where our judgment is required. That is why I think the amendment is so worthwhile.

Mr. DODD. I thank my colleague for those comments.

I have heard this repeatedly over this debate in the last hour, that if this amendment is adopted, this destroys the straight A's program. This amounts to 5.7 percent, according to the Congressional Research Service, of the funding in the pilot Straight A's Program, title I, non-title I funds under that title I program. Not 40 percent. To say you cannot fund the block grant program with 94 percent of the money does not make any sense to me. Rather than stripping the program, we are taking the pilot program and setting aside afterschool in that pilot program.

As we said earlier, we are talking about a program that includes 7 States and 25 districts. It could be more than 7 States over the 7 years of this entire

bill. We don't debate this bill again for 7 years. Obviously, for children who are starting elementary school, they will have completed elementary school by the time we come back and revisit the issue. To say in a pilot program we will block grant everything made at the State level, and if a local school district wants to apply for funds for afterschool, they will depend upon a State educational authority or a Governor to say, yes or no, is totally up to the discretion of the State authority. There is no review process at all. They can apply, and for whatever reason, they can say no.

Afterschool programs are the most highly sought after grants in the history of the Department of Education. This year alone there were almost 3,000 applications. They are going up each year. We only grant 300. There is only 1 chance in 10 of getting your grant approved. They are so popular because local community-based organizations see the value.

I am saying, keep the Straight A's Program. We will have the pilot program for the block grants. It will be there for the 7 States and 25 districts—or maybe more—to try over the next 7 years. Don't make afterschool become a jump ball in that regard.

What Straight A's is about is academic performance, trying to get better scores in math and reading. I don't argue that afterschool has some relationship to academic performance, whether or not kids are in trouble or not in trouble. This is primarily a safety issue. It is primarily a crime issue, as the chiefs of police have pointed out in overwhelming numbers when they look at the difficulties kids get into and the time of day the difficulties occur. They state with overwhelming numbers it is between 3 in the afternoon and 6 or 7 at night.

Mrs. BOXER. Will the Senator yield?

Mr. DODD. I am happy to yield. My colleague is a great champion for afterschool programs and has an amendment adopted, a sense of the Senate, saying we ought to do this.

Mrs. BOXER. In fact, I decided not to do the sense of the Senate. We did the real thing. This Senate voted with about 60 votes to increase the funding for afterschool. We actually did a real amendment, not just a sense of the Senate, and for the first time in history this Senate actually voted to increase the funding.

The reason I asked my friend to yield, if he would be willing to give me a minute of his time, I will pose a question. It has been a struggle, as he knows, because he has led the fight. When I came here, I joined him in this fight. We knew it did not take rocket science to understand that our kids are getting into trouble after school. We now have the exact percentages. That is why the police all over the country, as was pointed out, support this. We know it does help kids with their academic performance, although that is not the main reason we have afterschool. We know, as has been pointed

out, there is an overwhelming number of applications for these grants.

Now, finally, under President Clinton, we have seen this program go from \$10 million to \$600 million; and now with the amendment my friend helped me with, it is over \$1 billion, and we will be able to help millions of kids.

My question is, On the one hand, how can we vote to support real funding for this program and then turn around and vote to take it away and put it into some nebulous experiment which may turn out to be great—I have my problems with it—or may not?

By the way, JOHN ENSIGN, a Republican from Nevada, my primary cosponsor, told a moving story about how he used to get in trouble as a kid. He had no place to go. He had a single mom.

We take this stand, make a wonderful statement, and put real dollars behind it. Is it not the case we turn around and pull some of that money out; and isn't that just a contradiction in how we feel about afterschool?

Mr. DODD. I thank my colleague for raising the point. It is a very good point she raised.

Before my friend from California arrived, we heard our good friend from Tennessee talk about how much he supports, as most Members do, the 21st Century Learning Centers. Senator JEFFORDS of Vermont is the principal author. I joined him with that several years ago. This is an overwhelmingly popular program at a local level. Now grant applications are made at a local level for funds which leverage, by the way, United Way, funds for nonprofits, churches and so forth. Without this seed money and what we do in the grants, it is difficult to get the other organizations to support it.

Now for those 7 States and 25 school districts, which, by the way, I happen to believe are probably going to comprise a significant percentage of the 50 million kids who go to school each day, if you take the 7 most populous States and 25 school districts, I can get you to over 50 percent of the student population of the country. I presume every State is going to apply because what Governor—and I am looking at our Presiding Officer, who knows more about Governors, I suppose, than either my good friend from California or I do—when States get a chance to get Federal money with no strings attached would not take that deal. I presume every State will apply.

The Secretary of Education wants to get the maximum number of students under this pilot program. Obviously, they will choose one of the largest States and largest school districts, which means for the next 7 years we will take a significant percentage of kids into a pilot program, a demonstration program, and we will say that afterschool is part of that. We are not going to provide a separate pot of resources for which localities can apply.

We are going to say, no, now as a locality if you are within those 7 States or 25 districts, you have to go up to the

State education authority or the Governor, whichever it is, and they may or may not accept it. They can reject it out of hand. When you are competing for scarce dollars in poor areas, in many cases, of course, where the working poor live, how well do they do in that competition? The Presiding Officer knows how difficult those decisions can be. Her late husband was a great Governor of the State of Missouri. How difficult those decisions may be.

Mrs. BOXER. Will my colleague yield?

Mr. DODD. I am happy to yield.

Mrs. BOXER. The Senator raises an important point. Now we have a situation where, instead of being able to apply for these funds, these local school districts—and I thought my colleagues on the other side loved local control—now have to go through the States.

Am I correct, I ask my friend, this will take a piece off for administration? In other words, if they decide to say to a local district, OK, we will allow you to use some of this, they are going to take some money off the top. This is inefficient.

I say to some colleagues who may be listening from their offices—maybe a few are—if you are a fan of afterschool programs, if you think they are important, if you think they are a silver bullet that we have to keep our kids out of trouble, don't disrupt this program just when it is starting to reach kids. You have not done it with Head Start. You should not do it with afterschool.

Isn't this a point that should be considered that the State will pull some money off the top for administration whereas under our normal program the money goes straight to the local districts?

Mr. DODD. That is correct. Again, here it is not a question of sort of dumping the money out there. Localities have to apply for it. You have to ask for it. If you ask for it, there is only a small chance you may actually get it.

I would like to see us put in more resources. As my colleague from California points out, this program started as a \$10 million program, but because of local mayors and county executives, the YMCAs, the Boys and Girls Clubs, the church-based organizations, the police, they said: Look, this works so well, we went from \$10 million to \$600 million. We are flattening that line out, and for 25 States and 7 districts we are dumping it all out on a roulette wheel.

All I am saying is, in those pilot areas, carve this one out and let the localities apply directly. It reduces the amount of money in the pilot program by 5.7 percent. That is all.

Those are not my numbers, those are numbers determined by the Congressional Research Service, a nonpartisan organization that makes those calculations.

So on the notion somehow that I am destroying the Straight A's Program, I

am destroying this delicately balanced coalition here, I merely point out: I do not think 1,000 police chiefs, I don't think 2,500 YMCAs, I do not think Boys Clubs and Girls Clubs all across America are in the business of destroying here.

I am looking at my good friend from Ohio over here, with whom I drafted Safe and Drug Free Schools. He knows the numbers I put up; 70 percent of the police chiefs say this works. As the Senator from New Jersey pointed out, we have done metal detectors, hiring more police, trying juveniles as adults in some areas—that is controversial—but in these 7 States and 25 districts we are reducing the number by 5.7 percent. That is not gutting Straight A's, that is just saying don't deprive these local communities for the next 7 years of the opportunity to do something that every community in this country believes has great value.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. DODD. I have a lot of time here. I reserve those 30 seconds for closing argument, Madam President.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, let me talk for a moment, if I may, about a part of the bill that is not very controversial but I think is very significant. It is that part of the bill that Senator DODD just mentioned, and that is the drug-free school component of the bill.

Let me congratulate Senator DODD. I really enjoyed working with him, with his team, to get language in this bill that will really improve the current Drug Free Schools Program. I believe we have done that. I salute him for that very excellent work. I also thank Senator MURRAY and Senator GRASSLEY for their work on this language as well.

I think we all understand when we talk about our drug problem, we have to have a coordinated, consistent, and a balanced approach. A balanced approach means drug treatment, drug education, prevention. It means international interdiction of drugs. It also means domestic law enforcement. Those are the four basic components. We have to do them all. We have to consistently do them all.

The drug-free schools provision in this bill and the money it represents is really virtually the only thing the Federal Government does in the area of education.

This bill authorizes \$925 million which will go down to the local school districts across this country. The current Drug Free Schools Program is in virtually every school district in the country. Interestingly and sadly, in many school districts it is the only

money that is being spent on drug education. So it is important to do what we have done in this bill, and that is continue the program. But it is also important to improve the program.

I had the opportunity, when I was in the House of Representatives over a decade ago, to serve on the National Commission on Drug Free Schools. We issued a report in 1990. We talked about how this program needed to be improved. Some improvements have been made in the last decade, but unfortunately not all the recommendations have been followed.

What we do with the language in this bill is take that decade-old report and, frankly, bring it to life, use some of the recommendations, and improve the current law. One thing we determined at that time was if antidrug efforts in our schools are to be effective at all, they must be coordinated, they must be consistent, and they must be community oriented. We recommended a number of things including the following four items:

No. 1, every school district should develop and conduct drug eradication and prevention programs for all students from kindergarten through grade 12, every single year.

No. 2, parent and community groups should take a more active role in developing and selecting drug prevention programs.

No. 3, the Department of Education should ensure that schools conduct periodic evaluations of all drug education and prevention programs.

No. 4, Federal and State governments should fund only those education and prevention program efforts that are likely to be effective. There should be scientific data behind the decision to use a particular program.

The Safe and Drug Free Schools Program that is contained in this bill incorporates these recommendations. This program helps prevent our children from ever becoming involved with drugs and supports efforts to create violence-free learning environments.

The language we have written into the education bill that is before us today further improves this program. It gives States greater flexibility to target assistance to schools in need, and it increases accountability measures to ensure that this assistance actually goes towards programs that really work.

Furthermore, the language we have written in the bill would improve coordination of Safe and Drug Free Schools Programs with other community-based antidrug programs by requiring schools to work directly with parents, with local law enforcement agencies, with local government agencies, with faith-based organizations, and other community groups in the development and implementation of antidrug and violence strategies. That community coordination is absolutely essential. It has, tragically and unfortunately, in the past, sometimes been missing from local communities. This

bill says we have to have that coordination.

Drug abuse and violence against young people is a community problem, a national problem. It requires a community-based solution. That is why we need the entire community to be involved in the creation and in the execution of programs to fight youth drug abuse and violence.

Our language would allow afterschool programs to apply for Safe and Drug Free School grants as long as they meet the same standards as any other applicant. If afterschool programs use research-based drug and violence prevention programs, and if they prove they reduce drug and violence in schools, then they will have fair access to Safe and Drug Free School funding.

I really cannot talk about the Safe and Drug Free Schools Programs without mentioning one of the most tough and effective fighters against youth drug abuse and school violence, and that is the first lady of my home State of Ohio, Hope Taft. Hope Taft has dedicated years of her life to help make our schools safer and drug free, and she was instrumental in the development of this language that is in front of us today, language we have written into the education bill. She is really the voice for community-based organizations. I commend her for the great contribution she made to this bill. Through her efforts, she has raised awareness of the dangers of youth drug abuse and violence in our schools.

Let me also applaud President Bush for his support of this program. During the campaign, President Bush promised to increase funding for the Safe and Drug Free Schools Program by over \$100 million over 5 years. I commend him for that commitment. It is truly the kind of commitment we need to continue to improve this very vital program.

The Safe and Drug Free Schools program is a critical part of restoring effectiveness and balance in our national drug policy. And ultimately, if we don't restore effectiveness, more and more children will use drugs, leading to greater levels of violence, criminal activity, and delinquency. Unless we take action—unless we take the necessary steps to reverse these disturbing trends—we will be sacrificing today's youth and our country's future.

Quite frankly, children simply cannot learn when they are under the influence of drugs or alcohol. Children cannot learn when they more worried about their safety than their homework. Children cannot learn when they are scared. That's why we must ensure that children and the adults who work in our schools are safe—that they are free from drugs and violence.

As we continue to debate education reforms in this nation, we need to remember that improvements to our school buildings, increased professional development efforts for our teachers and administrators, and changes in education policies will not help our

young people realize their true potential as long as drugs and violence are in their schools. It's that simple.

I thank the Chair and yield the floor.

Mr. DODD. Mr. President, will my colleague yield?

Mr. DEWINE. Yes.

Mr. DODD. Mr. President, I commend my colleague from Ohio. He no longer serves on the Health, Education, Labor and Pensions Committee. But he did serve on it. I have enjoyed my work in the Senate over the years, but never as much as I have enjoyed working with the Senator from Ohio on a number of different issues, and this one in particular which he just addressed, and that is the problem of substance abuse and children.

We managed to put together a pretty good bill a few years ago on safe and drug free schools, largely because of the efforts of the Senator from Ohio. I commend him publicly for his present work and over the years. He brings a lot of personal experience as well. He has a pretty good size clan in his own right. I think it is almost a baseball team.

Mr. DEWINE. We are one short of a baseball team.

Mr. DODD. He brings a great deal of passion and understanding. So much of what he is talking about bears directly on the subject matter to which he has dedicated a good part of his service. I thank him for it and look forward to working with him in the future.

Mr. DEWINE. I thank my colleague. Again, I compliment him for the great deal of work he did. It was a great pleasure to work with him and his staff. I think the language in the bill improves the current law and is a significant improvement. I think it is going to make a difference. I appreciate his great work.

Mr. DODD. Madam President, my time has about expired. I wonder if my friend from New Hampshire will offer to yield me time, and I ask unanimous consent that just prior to the vote, which I think is going to occur around 2 o'clock, that I be given a couple of minutes to make a final summation of my argument.

Mr. GREGG. Two minutes on both sides.

Mr. DODD. Madam President, I withhold that for a minute.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I have listened with interest and have been impressed by the enthusiasm, energy, and commitment of the Senator from Connecticut to the 21st century program, which is something I strongly support myself. In fact, during my prior life when I was chairman of the Appropriations Committee on Commerce, State, Justice and working with Senator HOLLINGS, we essentially funded what amounted to the afterschool program initiatives in different areas, especially in the Boys and Girls Clubs and programs with Big Brothers and Big Sisters.

I was able to put into this bill language which I am very excited about because I think it will significantly improve the 21st century program, which allows community-based organizations to participate in the program for the first time, instead of having programs which are totally managed by the local educational organization. The schools basically weren't working all that well, quite honestly, in many areas because basically at the end of the schoolday, teachers were tired, and developing programs that kept teachers around the school building after the schoolday was hard to do, and understandably so.

Now we are going to infuse the afterschool programs with community-based organizations. Some of them can be faith-based organizations, which is very exciting. You will get, I am sure, Boys and Girls Clubs, and again Big Brothers and Big Sisters, that will actually physically be on site for the afterschool programs.

There is a major educational component in that amendment which was adopted in committee. I think you will also get groups such as the CYO that might be involved in things like this, or other faith-based groups that basically won't be in the school teaching religious values—that would be inappropriate—but will be in the school teaching life-needed skills or organizing sports programs perhaps in the school period.

After-the-schoolday is something I have worked very hard on as a Member of the Senate on the committee and admire and appreciate the commitment of the Senator from Connecticut to the after-the-schoolday programs. We all understand that the period from 3 to 6 is a period where youth are at risk, unfortunately, in many of our communities. And for them to have some place constructive to go is very important.

This amendment doesn't really address that issue because, in my humble opinion, this amendment goes to the question of management. Who makes the decision as to how the after-the-schoolday is controlled, whether it is going to be a categorical program coming from the Federal Government that says you must have an afterschool program or the alternative, which I think makes much more sense—whether a State or a community decides to take all the educational formula funding programs, merge them together, and set them up as a program, the purpose of which is to make sure the children participating in those programs actually exceed the academic success of the children who are not in those programs.

As a result, we get a better return for the dollars spent in these various areas. We get better students who are better prepared for life. We get students who are coming through the school year with a better academic achievement level.

That should be, of course, our goal in this bill. It is the goal of the Straight A's Program.

The question as to how the day is structured would be left at the local community level, or the State level, and wouldn't be directed from within the Federal Government.

This is the difference. It is not a question of whether there will be an afterschool program. It is a question of who will make the decision as to how funds are allocated within the formula grant program for designing the afterschool program and the schoolday program.

To step back, I think it is important to understand the basic concept of Straight A's. The concept of Straight A's is that we give the local school districts and the States, or those who wish to apply anyway, the opportunity—it is only a limited number—to set up a program where they actually commit that the low-income child will do better—this is the important point—than the other children in the school district in academic achievement, and, therefore, getting prepared for life and being competitive in our society and having a chance to participate in the American dream.

In exchange for making that commitment to the kids who are from low-income families to actually exceed the average yearly progress in the community generally for students, we will allow the local school districts and the States to design the program free of stress on the input side.

The 21st century program, along with the other 16 formula programs that are put into this proposal for the development of Straight A's, are all strong, oriented programs. It has significant restrictions. They are very categorical and very directive. They are very top-down command and control programs. They all have specific purposes, but the fundamental goal of all of them is to get a child up to speed academically and at a level where they are actually going to be constructive and productive citizens in our society.

We have said, with the Straight A's experiment—in a few States; in a very few States, potentially 7 States and 25 school districts—let's try an experiment. Let's say to the local communities, rather than having the top-down command and control, the traditional Federal control of strings-attached dollars, we will take all those dollars, put them in a basket and give them to the local communities, but the condition of you taking those dollars is that you are going to have to commit to prove that the children those dollars are directed towards are going to do better than the other children in the community.

So it is not as if the States and the local school districts are getting some huge influx of dollars with no restrictions or no responsibilities. The responsibility is even greater, but it is at the end of the system versus at the beginning. Instead of saying how they will do it, we expect results; and then we are going to test them to make sure those results are actually being achieved.

It is a very creative approach. It really is part of the essence of the underlying agreement and bill which we negotiated and which was the result of the impetus that came from the President. The President's concept on education is really pretty simple. It is that we should focus on the child, and that we should expect the child to obtain academic achievement, and that we should do that by giving flexibility to the local school districts; in exchange for the flexibility, we are going to have strict accountability to see that the children have attained academic achievement.

So the concept is to create an initiative and demonstration programs which will, at least with these 16 categorical programs, put them in a basket and give those dollars to the States with great flexibility, or give those dollars to the communities with great flexibility, but in exchange expect academic achievement subject to strict accountability, focused on the child.

This program, this Straight A's Program, meets all the conditions and all the ideas that have been put forward by the President as one of the key purposes of his educational initiatives. That is why there is such an intense discussion about it today.

If you listen to the Senator from Connecticut, you obviously have to be drawn to his ability to present his case well, but the point is, if we go back to the approach offered by the Senator from Connecticut, then we will have fundamentally undermined what is one of the primary thrusts of the President's initiatives in trying to break out of this mold into which we have put education for the last 25 years, where for generation after generation we have seen low-income kids being left behind, which isn't acceptable.

So the President has come up with this idea. Actually, it is an idea that was developed by the Senator from Washington, Mr. Gorton, a couple of years ago. The President adopted it. He has taken this idea and put it into his package. That is why it is so critical that this amendment be defeated. Because if it is adopted, it basically takes the heart out of the Straight A's Program and as a result undermines one of the key thrusts of the President's initiatives to try to bring low-income kids not only up to speed but, in this case, actually putting them ahead of their peers in education.

I see the Senator from Nevada is trying to get my attention. Obviously, he wishes to make a point. I yield to the Senator.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Nevada.

Mr. REID. I appreciate the Senator from New Hampshire yielding for a brief unanimous consent request.

AMENDMENT NO. 518, AS FURTHER MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 518, as modified, and previously agreed to, be further modified with the language at the desk.

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

The modification is as follows:

"SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter \$200,000,000 for fiscal year 2002 and each subsequent fiscal year."

Mr. REID. Mr. President, I ask unanimous consent that the consent with respect to the Dodd amendment be modified to provide that the vote in relation to the Dodd amendment occur upon disposition of the Cantwell amendment No. 630, provided that the previous consent with respect to the Nelson amendment No. 533, and other amendments within that consent agreement, reflect this change.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, to clarify for Members exactly where we are now, the Senate will debate the other amendments in a previous order, and the Senate will vote in relation to the Dodd amendment at about 2:15.

Mr. President, I further ask unanimous consent that, prior to the vote on the Dodd amendment, the Senator from New Hampshire be recognized for 2 minutes and the Senator from Connecticut be recognized for 2 minutes in the appropriate order. Senator DODD would go last. That vote would occur at about 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, the other amendments in this order are going to be disposed of by voice vote by virtue of a previous agreement we have. I appreciate very much my friend from New Hampshire yielding. I know it was awkward, but I appreciate it very much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 533, AS MODIFIED, TO
AMENDMENT NO. 358

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that amendment No. 533 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield back all time on the Dodd amendment?

Mr. GREGG. Mr. President, we reserve our time. I ask unanimous consent that our time be reserved and it be set aside until after the Nelson amendment has been completed.

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

ment is laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 533, as modified.

The amendment is as follows:

(Purpose: To provide for mentoring programs for students)

On page 586, between lines 18 and 19, insert the following:

SEC. 405. MENTORING PROGRAMS.

(a) IN GENERAL.—Title IV of Elementary and Secondary Education Act of 1965 is further amended by adding at the end the following:

"PART E—MENTORING PROGRAMS

"SEC. 4501. DEFINITIONS.

"In this part:

"(1) CHILD WITH GREATEST NEED.—The term 'child with greatest need' means a child at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or that has lack of strong positive adult role models.

"(2) MENTOR.—The term 'mentor' means an individual who works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

"(3) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 4502. PURPOSES.

"The purposes of this part are to make assistance available to promote mentoring programs for children with greatest need—

"(1) to assist such children in receiving support and guidance from a caring adult;

"(2) to improve the academic performance of such children;

"(3) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

"(4) to reduce the dropout rate of such children; and

"(5) to reduce juvenile delinquency and involvement in gangs by such children.

"SEC. 4503. GRANT PROGRAM.

"(a) IN GENERAL.—In accordance with this section, the Secretary may make grants to eligible entities to assist such entities in establishing and supporting mentoring programs and activities that—

"(1) are designed to link children with greatest need (particularly such children living in rural areas, high crime areas, or troubled home environments, or such children experiencing educational failure) with responsible adults, who—

"(A) have received training and support in mentoring;

"(B) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

"(C) are interested in working with youth; and

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to children with greatest need.

"(B) Promote personal and social responsibility among children with greatest need.

"(C) Increase participation by children with greatest need in, and enhance their ability to benefit from, elementary and secondary education.

"(D) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity by children with greatest need.

"(E) Encourage children with greatest need to participate in community service and community activities.

"(F) Encourage children with greatest need to set goals for themselves or to plan for their futures, including encouraging such children to make graduation from secondary school a goal and to make plans for postsecondary education or training.

"(G) Discourage involvement of children with greatest need in gangs.

"(b) ELIGIBLE ENTITIES.—Each of the following is an entity eligible to receive a grant under subsection (a):

"(1) A local educational agency.

"(2) A nonprofit, community-based organization.

"(3) A partnership between an agency referred to in paragraph (1) and an organization referred to in paragraph (2).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section shall use the grant funds for activities that establish or implement a mentoring program, including—

"(A) hiring of mentoring coordinators and support staff;

"(B) providing for the professional development of mentoring coordinators and support staff;

"(C) recruitment, screening, and training of adult mentors;

"(D) reimbursement of schools, if appropriate, for the use of school materials or supplies in carrying out the program;

"(E) dissemination of outreach materials;

"(F) evaluation of the program using scientifically based methods; and

"(G) such other activities as the Secretary may reasonably prescribe by rule.

"(2) PROHIBITED USES.—Notwithstanding paragraph (1), an entity receiving a grant under this section may not use the grant funds—

"(A) to directly compensate mentors;

"(B) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the entity's operations;

"(C) to support litigation of any kind; or

"(D) for any other purpose reasonably prohibited by the Secretary by rule.

"(d) TERM OF GRANT.—Each grant made under this section shall be available for expenditure for a period of 3 years.

"(e) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

"(1) a description of the mentoring plan the applicant proposes to carry out with such grant;

"(2) information on the children expected to be served by the mentoring program for which such grant is sought;

"(3) a description of the mechanism that applicant will use to match children with mentors based on the needs of the children;

"(4) an assurance that no mentor will be assigned to mentor so many children that the assignment would undermine either the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-on-one relationship, where practicable) with each mentored child;

"(5) an assurance that mentoring programs will provide children with a variety of experiences and support, including—

"(A) emotional support;

"(B) academic assistance; and

"(C) exposure to experiences that children might not otherwise encounter on their own;

“(6) an assurance that mentoring programs will be monitored to ensure that each child assigned a mentor benefits from that assignment and that there will be a provision for the assignment of a new mentor if the relationship between the original mentor is not beneficial to the child;

“(7) information on the method by which mentors and children will be recruited to the mentor program;

“(8) information on the method by which prospective mentors will be screened;

“(9) information on the training that will be provided to mentors; and

“(10) information on the system that the applicant will use to manage and monitor information relating to the program's reference checks, child and domestic abuse record checks, and criminal background checks and to its procedure for matching children with mentors.

“(f) SELECTION.—

“(1) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall select grant recipients from among qualified applicants on a competitive basis.

“(2) PRIORITY.—In selecting grant recipients under paragraph (1), the Secretary shall give priority to each applicant that—

“(A) serves children with greatest need living in rural areas, high crime areas, or troubled home environments, or who attend schools with violence problems;

“(B) provides background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs;

“(C) proposes a mentoring program under which each mentor will be assigned to not more children than the mentor can serve effectively; or

“(D) proposes a school-based mentoring program.

“(3) OTHER CONSIDERATIONS.—In selecting grant recipients under paragraph (1), the Secretary shall also consider—

“(A) the degree to which the location of the programs proposed by each applicant contributes to a fair distribution of programs with respect to urban and rural locations;

“(B) the quality of the mentoring programs proposed by each applicant, including—

“(i) the resources, if any, the applicant will dedicate to providing children with opportunities for job training or postsecondary education;

“(ii) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the applicant's mentoring program;

“(iii) the degree to which the applicant can ensure that mentors will develop long-standing relationships with the children they mentor;

“(iv) the degree to which the applicant will serve children with greatest need in the 4th, 5th, 6th, 7th, and 8th grades; and

“(v) the degree to which the program will continue to serve children from the 4th grade through graduation from secondary school; and

“(C) the capability of each applicant to effectively implement its mentoring program.

“(4) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in selecting grant recipients under paragraph (1), the Secretary shall select not less than 1 grant recipient from each State for which there is a qualified applicant.

“(g) MODEL SCREENING GUIDELINES.—

“(1) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to program participants specific

model guidelines for the screening of mentors who seek to participate in programs to be assisted under this part.

“(2) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

“SEC. 4504. STUDY BY GENERAL ACCOUNTING OFFICE.

“(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify successful school-based mentoring programs, and the elements, policies, or procedures of such programs that can be replicated.

“(b) REPORT.—Not later than 3 years after the date of the enactment of this part, the Comptroller General shall submit a report to the Secretary and Congress containing the results of the study conducted under this section.

“(c) USE OF INFORMATION.—The Secretary shall use information contained in the report referred to in subsection (b)—

“(1) to improve the quality of existing mentoring programs assisted under this part and other mentoring programs assisted under this Act; and

“(2) to develop models for new programs to be assisted or carried out under this Act.

“SEC. 4505. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 4503 \$50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.”.

(b) GRANT FOR TRAINING AND TECHNICAL SUPPORT.—

(1) IN GENERAL.—The Secretary of Education shall make a grant, in such amount as the Secretary considers appropriate, to Big Brothers Big Sisters of America for the purpose of providing training and technical support to grant recipients under part E of title IV of the Elementary and Secondary Education Act of 1965, as added by subsection (a), through the existing system regional mentoring development centers specified in paragraph (2).

(2) REGIONAL MENTORING DEVELOPMENT CENTERS.—The regional mentoring development centers referred to in this paragraph are regional mentoring development centers located as follows:

(A) In Phoenix, Arizona.

(B) In Atlanta, Georgia.

(C) In Boston, Massachusetts.

(D) In St. Louis, Missouri.

(E) In Columbus, Ohio.

(F) In Philadelphia, Pennsylvania.

(G) In Dallas, Texas.

(H) In Seattle, Washington.

(3) PURPOSE.—The purpose of the training and technical support provided through the grant under this subsection is to enable grant recipients to design, develop, and implement quality mentoring programs with the capacity to be sustained beyond the term of the grant.

(4) SERVICES.—The training and technical support provided through the grant under this subsection shall include—

(A) professional training for staff;

(B) program development and management;

(C) strategic fund development;

(D) mentor development; and

(E) marketing and communications.

(5) FUNDING.—Amounts the grant under this subsection shall be derived from the amount authorized to be appropriated by section 4505 of the Elementary and Secondary Education Act of 1965, as added by subsection (a), for fiscal year 2002.

Mr. NELSON of Nebraska. Mr. President, I rise to ask the Senate's support

for the Mentoring for Success Act, the amendment that is before the Senate today.

This amendment concerns the welfare of our Nation's most precious asset, our children. Children comprise only 20 percent of our population, but they are 100 percent of our future. I am hopeful my colleagues will carefully consider their significance. This amendment gives us the opportunity to support our children and the future of our country at the same time.

The environment in which many of our children are raised looks nothing like the one in which I and many of my colleagues grew up. Close to 50 percent of our children are raised in single-parent households. In most cases, single parents work long hours. Their energy and resources are stretched thin. While there are many successful single parents, there are some cases where a single parent simply cannot and does not, for a variety of reasons, adequately serve as the role model a child might need. As a consequence, many of these children replace that void with drugs, alcohol, and violence. Other children who may not come from single families are faced with a home life that may be particularly difficult because of an abusive parent or maybe a parent incapacitated due to illness. This amendment is for these children.

Of course, it can't fix family problems or bring broken families back together, but it can help change these children's lives and brighten their future.

I am proud to say that this amendment is inspired by the success of a mentoring program in my State which was originally started by Congressman TOM OSBORNE, the sponsor of companion legislation adopted by the House.

As many know, before my friend and fellow Nebraskan TOM OSBORNE became a Congressman this last year, he was coach of the beloved University of Nebraska Huskers football team. This man knows a thing or two about winning strategies and how to implement them, not just on the field but in the community as well.

In 1991, he and his wife Nancy began the Team Mates Program in Lincoln, NE, which paired members of the University of Nebraska football team with middle school students. He had such great success with the program that he expanded it across the State of Nebraska in 1998. I was proud to assist him in that effort as Governor at that time, and I joined the Team Mates board of directors so I could continue my involvement with such an effective and important mission.

Now Congressman OSBORNE has taken his experience and turned it into worthwhile legislation. This amendment would authorize \$50 million for a new competitive grant program to award local school districts, community-based organizations, or a partnership between the two to find mentoring initiatives. Each State would receive

at least one grant under this program. I am pleased to be here today and to continue my support for mentoring programs.

Mentoring programs funded by grants made available through this legislation would pair children with role models who could provide stable emotional support, academic assistance, and exposure to positive experiences that they may not otherwise receive.

The mentors are not parental replacements. Rather, they are helping hands who offer a glimmer of hope to kids who are forced, through no fault of their own, to contend with tough situations and bleak prospects.

Priority would be given to programs that serve children with the greatest need in rural areas, high crime areas, or troubled home or school environments, and only programs that require thorough background screening of participating adults would be eligible to receive funding.

Mentoring for Success is intended to provide guidance to children in need, to promote personal and social responsibility, to improve academic achievement, to discourage use of illegal drugs, alcohol, violence, gang involvement, or other harmful behavior, and to encourage children to set goals for themselves, including postsecondary training or education.

Young people today are confronted on a daily basis with situations that my generation simply didn't know could exist. I was fortunate enough to be raised in a loving and caring household. My generation needed support, encouragement, and stability. Today our kids need it, too. That is one thing that simply has not changed. Mentors can provide that support. I know it works. It has in Nebraska. I am convinced that Mentoring for Success will prove it will work everywhere.

What began as a spark in Nebraska has the potential to become a flame of optimism for at-risk children all across the country. I am proud today to be able to convey that this measure will in fact help our children.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I thank the good Senator for bringing this issue to our attention. I might mention, I was with their superintendent of schools in Boston a week ago during our break, Tom Payzant. He was talking about eight kinds of mentors working in schools there and the positive impact they are having in terms of the discipline in the schools and helping to resolve some of the tensions in the schools.

He said that 10 years ago he never would have thought this kind of need would be there, but it is there. He said he could use eight more very quickly and easily. It is a good idea. It is a good suggestion. Obviously, it will be voluntary. Communities will have to apply but it is another way of trying to

help resolve some of the tensions that exist in many of the schools and provide a safer environment. There are a lot of different ways of trying to do it. This is a very positive and constructive way.

We welcome the amendment and urge the passage of it at this time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to and the motion to reconsider is laid upon the table.

The amendment (No. 533), as modified, was agreed to.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I thank the Senator from Massachusetts and the bipartisan leadership that has brought this education bill to us in a most timely manner, at a most important time in the history of public education in this country.

The PRESIDING OFFICER. If the Senator will suspend, under the previous order, the Senator from Massachusetts, Mr. KERRY, was to be recognized.

Mr. KENNEDY. Mr. President, the Senator from Florida has spoken to me for 2 days about being able to address the Senate on the importance of education. I mentioned that during the lunch hour there is not as much of a clamor for floor time. He has a short speech. Would it be agreeable to my colleague from Massachusetts if he is able to complete his statement for a brief time, 4 or 5 minutes?

Mr. KERRY. I have no objection if the definition of "brief" is 4 or 5 minutes.

The PRESIDING OFFICER. The Senator from Florida may continue.

Mr. NELSON of Florida. I thank both of the Senators from Massachusetts. Indeed, as a new Senator, I am learning that the definition of "brief" is generally not understood in this Chamber. Yet I will adhere to the common understanding in Webster's Dictionary of the term "brief" and keep it to less than 5 minutes. I thank the Senator from Massachusetts.

As a product of public education, I am very privileged to be a part of the debate and what I think is going to be part of the solution. One of the major components of the future quality of that is now being considered before this body. This legislation that we are now considering marks a victory for many and, most especially, for the American people who have overwhelmingly said that the education of their children is their No. 1 priority.

I have been guided through this debate by the experiences that I bring to this Chamber by my own educational upbringing, and what I experienced in the public schools of Brevard County, FL, was due in large part to having highly qualified teachers.

Who among us does not have some significant life-changing or life-steer-

ing experience by the interaction with a quality teacher? Those teachers, in my case, were in schools that were in good repair and in an environment that was conducive to learning. So during debate on this bill many of us have pushed for those same goals—reducing class size by putting more teachers in our classrooms, funding to help build and repair our schools, accountability to monitor the progress of each of our schools, and accountability to monitor the progress of every child in those schools.

Those principles have been incorporated in the many amendments that have now strengthened this bill, such as increased funding to put a highly qualified teacher in every classroom and to support teacher recruitment; full funding for special education; full funding for title I for disadvantaged students; modernization of school libraries; and also targeting of funds to low-income children. Another example of an amendment that we have is an incentive for schools to adopt high-quality assessments to chart student progress.

Today, in this country, some 90 percent of our children attend public schools. To continue that strong and important legacy of our public schools, and now to strengthen them for the many challenges ahead, we must ensure that our public schools are safe and conducive to learning for all students from all walks of life.

I believe this bill creates a framework through which we can reach every student, be it an inner-city student, a rural student, a physically challenged student, a low-income student, a suburban student, or a learning impaired student.

Our goal is to provide each of those students with the opportunity to achieve. In the end, reaching every student and improving every school is our goal, and I believe this bill is a step in the right direction—an important step.

But as we complete action on this bill, we must ensure that our commitment to better education is backed by the appropriations needed to make it happen. That part of the debate won't end this week, or even this year. So at every step of the way I intend to stand up for the Federal assistance needed to ensure a high-quality education for all of our children.

I thank my colleagues for the opportunity to share my heart on this subject that is of most importance to the American people.

Mr. President, I yield the floor.

Mr. KENNEDY. If the Senator will yield for a second, I thank the good Senator for his comments. Senator NELSON has been very much involved in the debate on education and has taken a great interest. We have benefited from this involvement. We welcome his continued ideas and recommendations, and we hope he will be even more active as we are dealing with additional educational issues. I am very grateful to him for all his good work and for his

excellent statement. I thank the Senator.

AMENDMENTS NOS. 423 AND 455 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY, is recognized to offer two amendments en bloc, which the clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. SMITH of Oregon, and Mr. CARPER, proposes an amendment numbered 423.

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. SMITH of Oregon, Mr. CARPER, and Mrs. CLINTON, proposes an amendment numbered 455.

The amendments are as follows:

AMENDMENT NO. 423

(Purpose: To provide for professional development and other activities for principals)

On page 383, after line 21, insert the following:

SEC. ____ . TEACHERS AND PRINCIPALS.

Part A of title II (as amended in section 201) is further amended—

(1) by striking the title heading and all that follows through the part heading for part A and inserting the following:

"TITLE II—TEACHERS AND PRINCIPALS "PART A—TEACHER AND PRINCIPAL QUALITY;

(2) in section 2101(1)—

(A) by striking "teacher quality" and inserting "teacher and principal quality"; and
(B) by inserting before the semicolon "and highly qualified principals in schools";

(3) in section 2102—

(A) in paragraph (4)—

(i) in subparagraph (B)(ii), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) with respect to an elementary school or secondary school principal, a principal—

"(i)(I) with at least a master's degree in educational administration and at least 3 years of classroom teaching experience; or

"(II) who has completed a rigorous alternative certification program that includes instructional leadership courses, an internship under the guidance of an accomplished principal, and classroom teaching experience;

"(ii) who is certified or licensed as a principal by the State involved; and

"(iii) who can demonstrate a high level of competence as an instructional leader with knowledge of theories of learning, curricula design, supervision and evaluation of teaching and learning, assessment design and application, child and adolescent development, and public reporting and accountability."; and

(B) in paragraph (9)(B), by striking "teachers" each place it appears and inserting "teachers, principals.";

(4) in section 2112(b)(4), by striking "teaching force" and inserting "teachers and principals";

(5) in section 2113(b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "teacher" and inserting "teacher and principal";

(ii) in subparagraph (A)—

(I) by inserting "(i)" after "(A)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following:

"(ii) principals have the instructional leadership skills to help teachers teach and students learn."; and

(iii) in subparagraph (C), by inserting ", and principals have the instructional leadership skills," before "necessary";

(B) in paragraph (2), by striking "the initial teaching experience" and inserting "an initial experience as a teacher or a principal";

(C) in paragraph (3)—

(i) by striking "of teachers" and inserting "of teachers and principals";

(ii) by striking "degree" and inserting "or master's degree"; and

(iii) by striking "teachers." and inserting "teachers or principals."; and

(D) in paragraph (7), by striking "teacher" and inserting "teacher and principal";

(6) in section 2122(c)(2)—

(A) by striking "and, where appropriate, administrators."; and

(B) by inserting "and to give principals the instructional leadership skills to help teachers," after "skills.";

(7) in section 2123(b)—

(A) in paragraph (2), by inserting "and principal" before "mentoring";

(B) in paragraph (3), striking the period and inserting ", nonprofit organizations, local educational agencies, or consortia of appropriate educational entities."; and

(C) in paragraph (4)—

(i) by striking "teachers" and inserting "teachers and principals"; and

(ii) by striking "teaching" and inserting "employment as teachers or principals, respectively";

(8) in section 2133(a)(1)—

(A) by striking ", paraprofessionals, and, if appropriate, principals" and inserting "and paraprofessionals"; and

(B) by striking the semicolon and inserting the following: "and that principals have the instructional leadership skills that will help the principals work most effectively with teachers to help students master core academic subjects.";

(9) in section 2134—

(A) in paragraph (1), by striking "teachers" and inserting "teachers and principals"; and

(B) in paragraph (2)—

(i) by striking "teachers" and inserting "teachers and principals"; and

(ii) by inserting "a principal organization," after "teacher organization."; and

(10) in section 2142(a)(2), by striking subparagraph (A) and inserting the following:

"(A) shall establish for the local educational agency an annual measurable performance objective for increasing retention of teachers and principals in the first 3 years of their careers as teachers and principals, respectively; and".

AMENDMENT NO. 455

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

On page 505, line 18, insert after "intervention," the following: "high quality alternative education for chronically disruptive and violent students that includes drug and violence prevention programs.".

On page 528, line 11, strike "and".

On page 528, between lines 11 and 12, insert the following:

"(15) developing, establishing, or improving alternative educational opportunities for chronically disruptive and violent students that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;

"(16) training teachers, pupil services personnel, and other appropriate school staff on

effective strategies for dealing with chronically disruptive and violent students; and".

On page 528, line 12, strike "(15)" and insert "(17)".

On page 541, between lines 9 and 10, insert the following:

"(15) the provision of educational supports, services, and programs, including drug and violence prevention programs, using trained and qualified staff, for students who have been suspended or expelled so such students make continuing progress toward meeting the State's challenging academic standards and to enable students to return to the regular classroom as soon as possible;

"(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with disruptive students;".

On page 541, line 10, strike "(15)" and insert "(17)".

On page 541, line 18, strike "(16)" and insert "(18)".

On page 550, between lines 16 and 17, insert the following:

"(10) the development of professional development programs necessary for teachers, other educators, and pupil services personnel to implement alternative education supports, services, and programs for chronically disruptive and violent students;

"(11) the development, establishment, or improvement of alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;".

On page 550, line 17, strike "(10)" and insert "(12)".

On page 550, line 22, strike "(11)" and insert "(13)".

On page 551, line 3, strike "(12)" and insert "(14)".

On page 551, line 9, strike "(13)" and insert "(15)".

AMENDMENTS NOS. 423 AND 455, AS MODIFIED

Mr. KERRY. Mr. President, I send two modifications to the desk.

The PRESIDING OFFICER. The amendments are so modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 423, AS MODIFIED

(Purpose: To provide for professional development and other activities for principals)

On page 383, after line 21, insert the following:

SEC. ____ . TEACHERS AND PRINCIPALS.

Part A of title II (as amended in section 201) is further amended—

(1) by striking the title heading and all that follows through the part heading for part A and inserting the following:

"TITLE II—TEACHERS AND PRINCIPALS "PART A—TEACHER AND PRINCIPAL QUALITY";

(2) in section 2101(1)—

(A) by striking "teacher quality" and inserting "teacher and principal quality"; and

(B) by inserting before the semicolon "and highly qualified principals and assistant principals in schools";

(3) in section 2102—

(A) in paragraph (4)—

(i) in subparagraph (B)(ii), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) with respect to an elementary school or secondary school principal, a principal—

“(i)(I) with at least a master’s degree in educational administration and at least 3 years of classroom teaching experience; or

“(II) who has completed a rigorous alternative certification program that includes instructional leadership courses, an internship under the guidance of an accomplished principal, and classroom teaching experience;

“(ii) who is certified or licensed as a principal by the State involved; and

“(iii) who can demonstrate a high level of competence as an instructional leader with knowledge of theories of learning, curricula design, supervision and evaluation of teaching and learning, assessment design and application, child and adolescent development, and public reporting and accountability.”; and

(B) in paragraph (9)(B), by striking “teachers” each place it appears and inserting “teachers, principals, and assistant principals.”;

(4) in section 2112(b)(4), by striking “teaching force” and inserting “teachers, principals, and assistant principals”;

(5) in section 2113(b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “teacher” and inserting “teacher and principal”;

(ii) in subparagraph (A)—

(I) by inserting “(i)” after “(A)”;

(II) by adding “and” after the semicolon; and

(III) by adding at the end the following:

“(ii) principals have the instructional leadership skills to help teachers teach and students learn.”; and

(iii) in subparagraph (C), by inserting “, and principals have the instructional leadership skills,” before “necessary”;

(B) in paragraph (2), by striking “the initial teaching experience” and inserting “an initial experience as a teacher, principal, or an assistant principal”;

(C) in paragraph (3)—

(i) by striking “of teachers” and inserting “of teachers and principals”;

(ii) by striking “degree” and inserting “or master’s degree”; and

(iii) by striking “teachers.” and inserting “teachers or principals.”; and

(D) in paragraph (7), by striking “teacher” and inserting “teacher and principal”;

(6) in section 2122(c)(2)—

(A) by striking “and, where appropriate, administrators.”; and

(B) by inserting “and to give principals and assistant principals the instructional leadership skills to help teachers,” after “skills.”;

(7) in section 2123(b)—

(A) in paragraph (2), by inserting “and principal” before “mentoring”;

(B) in paragraph (3), striking the period and inserting “, nonprofit organizations, local educational agencies, or consortia of appropriate educational entities.”; and

(C) in paragraph (4)—

(i) by striking “teachers” and inserting “teachers, principals, and assistant principals”;

(ii) by striking “teaching” and inserting “employment as teachers, principals, or assistant principals, respectively”;

(8) in section 2133(a)(1)—

(A) by striking “, paraprofessionals, and, if appropriate, principals” and inserting “and paraprofessionals”; and

(B) by striking the semicolon and inserting the following: “and that principals and assistant principals have the instructional leadership skills that will help such principals and assistant principals work most effectively with teachers to help students master core academic subjects.”;

(9) in section 2134—

(A) in paragraph (1), by striking “teachers” and inserting “teachers and principals”; and

(B) in paragraph (2)—

(i) by striking “teachers” and inserting “teachers and principals”; and

(ii) by inserting “a principal organization,” after “teacher organization.”; and

(10) in section 2142(a)(2), by striking subparagraph (A) and inserting the following:

“(A) shall establish for the local educational agency an annual measurable performance objective for increasing retention of teachers, principals, and assistant principals in the first 3 years of their careers as teachers, principals, and assistant principals respectively; and”.

AMENDMENT NO. 455, AS MODIFIED

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

On page 505, line 18, insert after “intervention,” the following: “high quality alternative education for chronically disruptive, drug-abusing, and violent students that includes drug and violence prevention programs.”

On page 528, between lines 11 and 12, insert the following:

“(15) developing, establishing, or improving alternative educational opportunities for chronically disruptive, drug-abusing, and violent students that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;

“(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with chronically disruptive, drug-abusing, and violent students.”

On page 541, between lines 9 and 10, insert the following:

“(15) the provision of educational supports, services, and programs, including drug and violence prevention and intervention programs, using trained and qualified staff, for students who have been suspended or expelled so such students make continuing progress toward meeting the State’s challenging academic standards and to enable students to return to the regular classroom as soon as possible;

“(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with disruptive students.”

On page 541, line 10, strike “(15)” and insert “(17)”.

On page 541, line 18, strike “(16)” and insert “(18)”.

On page 550, between lines 16 and 17, insert the following:

“(10) the development of professional development programs necessary for teachers, other educators, and pupil services personnel to implement alternative education supports, services, and programs for chronically disruptive, drug-abusing, and violent students;

“(11) the development, establishment, or improvement of alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible.”

On page 550, line 17, strike “(10)” and insert “(12)”.

On page 550, line 22, strike “(11)” and insert “(13)”.

On page 551, line 3, strike “(12)” and insert “(14)”.

On page 551, line 9, strike “(13)” and insert “(15)”.

Mr. KERRY. Mr. President, let me begin by expressing not just my gratitude, but the gratitude of everybody in the Senate who understands the dynamics of this process, and to my senior colleague from Massachusetts; there is no stronger, more forceful, more committed advocate for the schools of our country than my colleague, TED KENNEDY. I think his work in leading this for weeks now on the floor will speak for itself in the end when we will pass a bill that this country will be proud of—providing, of course, that we ultimately provide the resources necessary to empower this framework to take hold. I salute my colleague for his leadership and thank him for what he has been doing.

I also thank my friend from Florida for his gracious comments and for his strict adherence to the common understanding of Webster’s Dictionary.

These are two amendments which I have offered today with my good friend from Oregon, Senator GORDON SMITH. One deals with the quality and supply of our Nation’s principals, and one deals with the provision of alternative educational opportunities for chronically violent and disruptive students.

I am pleased to have Senator CARPER, Senator REED of Rhode Island, and Senator LEVIN joining us as original cosponsors of the principals amendment.

The fact is very straightforward. In the next year, we are going to be faced with a leadership crisis in our schools. Many of today’s principals are reaching the age of retirement, and there is clear evidence that reveals a decline in the number of candidates for each opening. For example, by the end of this school year, more than 400 New York City principals will have retired. In Washington State, nearly 300 principals, or 15 percent of the total, left their jobs at the end of the last school year. The Dallas Morning News reported that Texas is about to face the greatest shortage of principals it has ever encountered, with some studies predicting a 50-percent turnover rate among the State’s 8,500 principals and assistant principals within the next 10 years.

Schools all over the country are faced with the question of who will replace these retiring principals, who will provide the critical leadership for our educational system.

Qualified candidates are becoming increasingly hard to find. In the 1998 survey of school districts, half of the districts reported a shortage of qualified candidates. The attrition rate for elementary school principals now stands at 42 percent for the decade from 1988 to 1998, and it is expected to remain at least as high through this decade.

Indeed, some predictions are it could reach as high as 60 percent as principals of the baby boom generation reach retirement age.

This is happening at a time when the U.S. Department of Labor estimates that the need for principals in our country will grow with rising school enrollments through at least 2005. If we do not stem the flow of retirees and buoy up the number of aspiring principals, we will face a critical school leadership crisis, one that could debilitate any of the other reform efforts we are making today.

Not only, however, is the supply of principals vital to the success of education reform, but obviously the quality of our principals is also critical. A good principal can create the climate that fosters excellence in teaching and learning while an ineffective one can quickly thwart the progress of the most dedicated reformers.

I think any of us who has been to any school in this country, particularly when we walk into a blue ribbon school, we will acknowledge that if the school is working, if the school is particularly a blue ribbon school, that school has a blue ribbon principal.

Every school in this country that works begins with the leadership in the school itself. Without a good leader, it is hard to instigate or sustain any meaningful change, and schools will not be transformed, restructured, or reconstituted absent that leadership.

Education reform policies, such as the ones we hope will be instituted as a result of the BEST Act, are meaningless without strong leadership to implement them in school. Today we all know principals face a whole different set of challenges than their predecessors. One of the greatest challenges is providing a positive learning environment for a highly diverse student population. By the middle of the new century, more than half of the population will be made up of those whose families originated in Africa, Asia, or Latin America.

Principals will certainly need to understand and be prepared to integrate into their schools a new generation of sophisticated technology which, in turn, will require them to place a high priority on staff development for teachers and for themselves. I do not believe it is possible to underestimate the impact technology will continue to have on teaching and administration.

Increased responsibilities without increased support will continue to hamper school districts' abilities to attract qualified principals. It is another reason the resource issue is so critical ultimately to the success of the legislation we will pass.

The amendment the Senator from Oregon and I are offering addresses this critical problem by giving States greater flexibility in the use of their title II dollars so that funding can be used to retain high-quality principals and improve principal quality.

I point out that with respect to the second amendment we are offering,

Senator SMITH and I and others share a twofold concern. The quality of teaching and learning suffers significantly when one or two disruptive students or violent students monopolize a classroom and the attention of a teacher, and that violent and disruptive student is often in desperate need of services, supports, and greater levels of attention than are provided in the traditional classroom.

We have a choice: We can either deal with the problems of these young people while they are in school, while we know where to find them, while we have them under our control, while we have the opportunity to provide them services, or we can wait for them to drop out or turn to the streets or encounter them later in the juvenile justice system of the country.

The intent of this amendment is to ensure that our classrooms are safe, drug free, and that all students are provided with a meaningful opportunity to learn.

The amendment we are offering amends the Safe and Drug Free Schools Program and expands its purpose to include the provision of alternative education opportunities. This amendment will allow the list of allowable Federal, State, and local uses of funds under the Safe and Drug Free Schools Program to include the option of providing alternative education, supports to chronically disruptive, drug abusing, and violent students.

One option to ensure that classrooms and schools are safe and manageable has been to require removal of disruptive and dangerous students. Typically this is accomplished through expulsions and long-term suspensions. However, while expelling and suspending may make schools safer and more manageable, students' problems do not go away when they are removed from the classroom—the problems just go somewhere else.

School districts across the country report experiencing significant increases in both the number of students expelled and the length of time they are excluded from their schools. The consensus among educators and others concerned with at-risk youth is that it is vital for expelled students to receive educational counseling or other services to help modify their behavior while they are away from school.

Without such services, students generally return to school no better disciplined and no better able to manage their anger or peaceably resolve disputes. They will also have fallen behind in their education, and any underlying causes of their violent behavior may be unresolved. Research has shown a link between suspension/expulsion and later dropping out of school, with resulting personal and social costs.

Alternative education works. My home State of Massachusetts has some excellent alternative education programs. The superintendent of the Boston Public Schools created an Alternative Education Task Force in

October, 1998. A recent report of this Task Force found that alternative education programs have helped to reduce the dropout rate both in Boston Public Schools and in other community-based programs.

One Boston Public Schools alternative education program, the Community Academy, has been recognized by the U.S. Department of Education as one of the top nine exemplary programs in the country. The students enrolled in the Community Academy are from grades 6–12 and are referred by principals, guidance counselors, and parents. The Community Academy's small, highly structured and closely monitored program provides a setting where these students can receive the attention and services they need to get their lives on track and enable them to focus on learning. All students of Community Academy are monitored through intervention strategies by the program's staff, including case managers, clinicians, instructors, and parents.

The school system in Springfield, MA, has established six alternative schools. And since they began their alternative sites, the dropout rate in Springfield has declined from 11.8 percent to 4.9 percent. The superintendent of the Springfield schools made a commitment that all students in Springfield will receive an education, including suspended or expelled students, he has stood by that commitment, and in Springfield they are seeing real results.

An example of alternative education is Springfield Academy, Springfield, MA. The principal is Alex Gillat.

Gertrude is a teenager who does not have contact with her parents and resides with her older sister and two younger siblings. While enrolled in a local high school, Gertrude had many difficulties both in and out of school and ultimately was expelled because she attacked another student with a hammer. Gertrude spent a little over a year at the Springfield Academy. I am very happy to report that Gertrude graduated last year and is currently enrolled in a university. She is supported in her studies by a number of scholarships.

Daniev came from a family with a history of drug abuse. His father died of a heroin overdose and he too became a heavy user of drugs and alcohol. Chronically truant, Daniev one day witnessed a friend get killed as they walked along the railroad tracks in Springfield. After that incident, Daniev suffered post traumatic stress disorder. Around this time, Daniev was enrolled at Springfield Academy. With the aid of the staff, counselors, and a Navy recruiter, Daniev quit using drugs and alcohol, successfully completed high school, and is now enlisted in the Navy.

Another example is Bridge Academy, Springfield, MA. The principal is Allen Menkell.

Cyrus is a senior in high school and is literally on the cusp of graduation, but Cyrus almost didn't make it. In addition to problems with substance

abuse, Cyrus' father passed away, and soon thereafter, his younger brother died of leukemia. Cyrus was about to drop out of his "last chance school," but teachers at Bridge Academy rallied around him, and helped him to see how much he had accomplished. Cyrus will graduate this month, and may go on to community college.

It is shocking to think where these young people would be without the opportunities that alternative schools like those in Springfield and Boston provided them with. But what is all too common is that these alternative learning environments do not exist. What is all too common is that these young people would not have anywhere to turn.

I call attention to the fact that the superintendent of Boston Public Schools created an alternative education task force in October of 1998. A recent report of the task force found it has helped reduce the dropout rate both in the Boston public schools and in other community-based programs.

One alternative program has been recognized by the Department of Education as one of the exemplary programs in the country.

In addition, in Springfield, MA, they have established six alternative schools, and since they began their alternative sites, the dropout rate in Springfield has declined from 11.8 percent to 4.9 percent.

An alternative education opportunity makes a difference—a difference to the child who needs it and a difference to the children who are often trapped in a classroom that will not work because of the disruptive student.

I urge my colleagues to embrace both of these amendments as supportive of the intentions and goals of this legislation.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Nineteen seconds.

Mr. CARPER. May I have 8 of those 19 seconds?

Mr. KERRY. I ask for an additional minute for my colleague. I apologize.

Mr. KENNEDY. I will be glad to yield 5 minutes.

Mr. CARPER. Mr. President, I am grateful to both Senators.

Senator KERRY offered two wonderful amendments. I am pleased to be an original cosponsor of both of them. I thank him for his leadership.

We have spent a fair amount of time talking about academic standards we have set in our schools and other States have set in their schools. We have spent a fair amount of time acknowledging tests are being taken to measure student progress and we need to hold folks accountable—schools, school districts, and teachers.

It has been acknowledged again and again how important having a good teacher in a classroom is to enable all students to reach the standards that are being set in their respective States.

Professional development of teachers is critical in my State of Delaware, ob-

viously Massachusetts, and other places. Senator KERRY put his finger on it. It is not enough just to work on the professional development of the teachers or to make sure we have teachers who know their business, know their stuff, love to teach, love kids in our classrooms, but it is critically important that the men and women leading those schools, the principals and assistant principals, learn how to do their jobs well.

One of the toughest jobs going these days is not as a Member of the Senate, not even President of the United States. I think one of the toughest jobs in America today is trying to be principal of a school and run the school with all of its challenges—the kids, the curriculum, Federal and State regulations coming at them, dealing with the parents, many of whom are not present in the lives of their children, passing referendums. It is a tough job.

The idea that we acknowledge not just that it is a tough job but say to States, you can use some of this Federal money to make sure more of the people leading our schools know how to do their tough job well, is just a wonderful step we are taking.

The second thing I want to say with respect to funding, providing the possibility for Federal funds for alternative schools for chronically disruptive students, is that every child can learn. Children who are chronically disruptive came to school behind, started behind, and fell further behind. In many cases they did not have parents engaged in their lives and may not have had the right teachers. Even those kids can learn. They may need to be in a classroom other than the one they are sitting in today or this year. They may need to be in a different school, but they can learn in a different school. If we include in the alternative for disruptive students trained educators and leaders who know how to work with those students who come from tough backgrounds, those kids can learn and can meet the standards, as well.

Our role is not to say to States that they have to use this money to train school leaders and principals; our job is not to say they have to use this to provide for alternative schools for disruptive students; but with the amendments we make it an option.

I commend Senator KERRY and Senator SMITH from Oregon for joining in offering this amendment. I am pleased to stand in support.

Mr. KERRY. Mr. President, I thank the Senator for his leadership as a Governor. He did a superb job in the State of Delaware, leading in some of the reforms incorporated herein. We appreciate and respect that and thank him for his support and comments with respect to these amendments.

Mr. KENNEDY. I urge the acceptance of these amendments.

The amendment, as my friend and colleague has pointed out, using the Safe and Drug Free Schools for the development of alternative educational

opportunities for these students causing problems in school makes a great deal of sense. This is a problem.

One of the things we understand is that children do not learn when they are distracted and there is violence. Even though schools are one of the safest places to be at any time, we know there are incidents which occur. The Senator has made an excellent recommendation.

On the issue of the principals, as we have learned very well with the Jeremiah Burke School, a principal took a school that lost accreditation and within 6 years, this last year—and it is the only high school in Boston that is eligible for title I funds, which means it has to have 70 percent eligibility which, in economic terms, are the neediest children probably in the city—this year, 100 percent of the graduates were accepted into college. I think it was as much the principal's leadership in that as anything else.

The Senator has for a long time talked about the importance of the quality of principals. This is a particular area he has spent a great deal of time on and has visited a lot of the schools and spoken eloquently and effectively on the issue.

These are two very good amendments. I thank the Senator for the good work he does on education.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I am pleased to come to the floor with Senator KERRY today and am grateful that the manager of this bill has accepted our amendments. I will speak to No. 423. This is something Senator KERRY and I worked on for some time because of our fundamental belief that principals shape the environment in which teachers and students ultimately succeed or fail. We believe improving the quality of school is the most effective way to make systematic improvements in our educational system.

The school principal of today is more than a manager. Today's principal needs to be an effective instructional leader. Instructional leaders develop and implement strategies for improving teaching and learning; they develop a vision and establish clear goals for student performance.

School principals provide direction in achieving state goals; encourage others to contribute to goal achievement; secure commitment to a course of action from individuals and groups in the school and community. They are instrumental to the success of a school, and we have a responsibility to help them succeed in this role.

To be effective, principals need more than workshops or other one-time professional development "events." They need high quality, ongoing professional development focused on student achievement.

There is no doubt that teacher quality is important, but it is the collection of teachers working with a unified

purpose that transforms a school. That critical development comes only with a skilled effective leader at the helm.

A 1999 report issued by the National Association of State Boards of Education characterized effective principals as the “lynchpins of school improvement” and the “gatekeepers of change.” The National Association of State Boards of Education views principals as impacting both the implementation and sustainability of reforms focused on student achievement.

Principals have a powerful effect on the culture of a school: Teachers will model the behavior of a principal whom they trust and who has knowledge about good instruction.

Currently, professional development funding is available to teachers, but far too few principals receive similar professional development options because school districts often decide to devote limited funding to teacher programs first. That is why this amendment allows principals to access federal professional development funds.

Not only do we need to help our current principals be more effective, we also need to address the critical shortage of school administrators.

Too many schools opened this fall without a principal. Although the teacher shortage is well known, discussions about the lack of qualified school leaders to fill the position of principal have just begun, and they have begun with this amendment.

In Vermont, one of every five principals has retired or resigned since the end of the last school year.

In Washington State, 15 percent of principals did the same last year.

In 1999, New York City had 200 schools that opened with temporary leaders.

School districts face a monumental task of finding effective leaders for our nation's schools. Cities and states nationwide report principal vacancies and only a trickle of qualified applicants, if any, willing to fill the positions.

A recent study by the Educational Research Service estimates that more than 40 percent of public school principals will retire over the next ten years. Our school leaders are graying and we are not replacing them with enough qualified candidates.

Leadership plays a pivotal role in all spheres of our national life, but we have not yet made it a priority in schools. The business and corporate community has long considered enlightened leadership a prerequisite for successful change. It cultivates young leaders and provides extraordinary resources for their development. The commitment to developing and ensuring strong leadership extends to the armed forces, where we provide officer-training programs and service academies for preparing leaders for all military services.

We need to do the same for the potential leaders of our schools. This amendment does exactly that, by allowing funds to be used for mentoring aspiring principals and recruiting leadership candidates.

There are excellent programs around the country, like Portland State Uni-

versity's Graduate School of Education, ready to help train administrators, if necessary funds are made available.

The role of the principal must be recognized if schools are going to improve on a national level. The new policies being implemented here in Congress will, for the most part, have to be implemented at the school level by principals.

We have a responsibility to equip principals to carry out the achievement goals we have set for them.

I am asking my colleagues along with Senator KENNEDY and others to support our Principals amendment. This amendment will allow states to use Teacher Quality funds to improve the quality of elementary and secondary principals and assistant principals.

This could include such state options as reforming principal certification, ensuring that principals have the instructional skills to help educators teach, and mentoring principals. These functions could help states ensure that enough high quality principals are ready to lead our children and our schools into the 21st century.

I would also like to address the need for alternative education in our children's schools. Senator KERRY and I have been working together for several years to address the problem of educating troubled and chronically disruptive children in schools.

Today we offer an amendment, number 455, which will allow states to use Title VI Safe and Drug Free Schools money for alternative education, when it relates to drug and violence prevention, and to try to prevent these students from dropping out of school.

Alternative education options need to exist for the benefit of all students—both the disruptive students and their classmates.

Removing potentially violent or chronically disruptive children from the classroom can leave other students free to learn.

But more than that, just removing these difficult students from the classroom without providing alternative placements simply leaves them unsupervised. It also leaves them without opportunities to learn the skills they will need in life. This puts the students at even higher risk for failure later in life.

What these children need is appropriate, intensive assistance that can only be provided outside the regular classroom. Alternative education can meet their needs for supervision, remediation of behavior, maintenance of academic progress, and it can help prevent them from dropping out.

Clearly, alternative education will not be a “magic bullet”; however, it can serve a number of very important purposes. First, it can improve safety in schools, by working with students who may be a danger to themselves, other children, and staff.

Second, alternative education can also prevent disruptions to learning for the overwhelming majority of students who come to school to learn.

Third, as I have already mentioned, it can provide appropriate help to chronically disruptive and violent students. According to administrators in Multnomah County's Department of Community Justice, half the youth who are on probation or parole are also enrolled in alternative schools. Just think of the implications for society and these individuals and their families later in life if these troubled youngsters are denied the support they need to grow both academically and behaviorally.

Finally, alternative education options can prevent high risk students from dropping out of school. This gives them a much better chance of becoming contributing members of society.

Research from the Northwest Regional Education Laboratory, based in my home state of Oregon, has shown that at least two thirds of the students in community based alternative schools—all former dropouts—have found academic and social success after being enrolled in the program.

Last winter, I talked with 150 Oregon educators about the best ways to prevent students from dropping out. Among the solutions, they recommended alternative education as a critical tool for keeping kids in school.

Despite the fact that we know that alternative education is so critical, there are simply not enough dollars available to reach all the students who need it.

I am holding letters from educators in my home state telling me of their great need for federal help to fund alternative school options. I know this need for funds exists across the country as well.

Therefore, I ask you to join my distinguished colleague, Senator KERRY, and me in support of our alternative education amendment. Allowing states to use Safe and Drug Free Schools funds for alternative education will help ensure that no children, even the ones at highest risk, are left behind.

I yield the floor.

Mr. KENNEDY. Mr. President, we are prepared to accept the amendments.

The PRESIDING OFFICER. Has all time been yielded?

Mr. KENNEDY. We are prepared to yield back the remainder of the time.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc, No. 423, as modified, and No. 455, as modified.

Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 423 and 455), as modified) were agreed to, en bloc.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 630, AS MODIFIED

Ms. CANTWELL. I ask unanimous consent to call up previously proposed amendment No. 630, as modified.

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

Ms. CANTWELL. Mr. President, I rise today in support of a bipartisan amendment that was made possible with the help of my colleague, the distinguished Senator from Wyoming, Mr. ENZI, and I also express my appreciation to Senators KENNEDY and GREGG for their help on this amendment. They have done a terrific job of moving this education bill through the process this year.

We have all experienced going home and hearing from teachers that too often technology is simply not well integrated into the classrooms. While we spend billions on technology in schools, too often these funds do not have the full potential impact because the technology dollars often are focused just on equipment itself.

This bipartisan amendment simply requires that school districts which seek to use Federal technology dollars do so in a way that explicitly details how they are going to integrate teacher training and professional development, curriculum development, and proper system resources.

Furthermore, the amendment will ask the Department of Education to report on these strategies to identify the BEST practices on bringing technology and training into the classroom so schools that are successful can be used as a model to scale BEST education practices and technology at the national level.

This amendment has been supported by a number of national teaching organizations as well as many of the technology industry, such as AOL-Time Warner, Sun Microsystems, Microsoft, Computer and Communications Industry Alliance, and many others.

I ask unanimous consent their letters in support of this amendment be printed in the RECORD.

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

COMPUTER & COMMUNICATIONS
INDUSTRY ASSOCIATION,
Washington, DC, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL, On behalf of the Computer & Communications Industry Association (CCIA), I write to express support for the Developing Best Practices for technology in Education Amendment to S. 1, the Better Education for Students and Teachers Act. CCIA applauds your leadership efforts in introducing this amendment.

The Cantwell-Enzi bipartisan education technology amendment to ESEA is a positive step forward in ongoing efforts to bring technology to the classroom in a comprehensive and effective way. This amendment will enable schools across the country to integrate technology into classrooms to give all our children the opportunity to take advantage of the many benefits that technology and the Internet can provide.

Our schools will most benefit by the development of programs that employ technology effectively and can be implemented by any school or district. This amendment recognizes that to be successful we must integrate

technological resources with two other crucial elements: teacher training and professional development and curriculum development.

We are pleased to support the Cantwell-Enzi amendment and believe it will encourage the development of best practices for the use of scalable technology in states and local districts around the country and assessment and evaluation of the effectiveness of those strategies. We are delighted to support this amendment as one important step in bringing technology to the classroom and will pledge to work for its passage.

Sincerely,

EJ BLACK,
President and CEO.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, June 7, 2001.

Senator MARIA CANTWELL,
U.S. Senate, Senate Hart Building,
Washington, DC

DEAR SENATOR CANTWELL: I am writing to commend you on your initiative to ensure that teachers and students can take full advantage of the opportunities presented to them by having computers and Internet connections available as an integral part of teaching. You have correctly identified a critical need: it is not enough to make computers available in the classroom, teachers must integrate them into their everyday instructional activities.

As you are well aware, technology companies often have a hard time finding new employees that have the needed levels of math and science training, as well as computer literacy. In a survey conducted last year, BSA CEOs projected that, on average, 9 percent of the openings for skilled workers went unfilled in 2000. We believe a long-term approach is needed that takes into account education policy, particularly in regard to providing incentives for and increasing the interest of our nation's youth to study math and science.

We support your proposed amendment to the education bill because it would promote more specific and rigorous use of technology in the classroom. Today, while many classrooms have a computer, too few of our teachers make use of it on a systematic basis. We believe the Cantwell-Enzi amendment will address these issues, changing the way our students improve their computer skills.

As we understand it, your proposal would require local and state agencies to include in their education plans three criteria: 1) teacher training and development in the use of technology; 2) curricular development that incorporates computers and the Internet; and 3) a plan to rationally allocate technology resources. Additionally, your proposal would direct the Department of Education to develop plans and programs on best ways to use technology in teaching.

We applaud your leadership in this critical area, and we stand ready to work with you.

Sincerely,

ROBERT W. HOLLEYMAN,
President and Chief Executive Officer.

SUPERINTENDENT
OF PUBLIC INSTRUCTION,
Olympia, WA, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: Thank you for your efforts to improve the delivery of technology funding under the Elementary and Secondary Education Act by offering amendment #630 regarding "Developing Best Practices for Technology in Education."

The federal government has been the largest single investor in education technology in this nation over the past decade. To fur-

ther improve the effective integration of technology, training, and research-based best practices will ensure that our national investment continues to be prudent and targeted to efforts that improve student learning.

For state and local technology plans to miss connections to the development of educator's skills, the development of the curriculum they will use, or the development of best practices in technology resources and systems, would be to miss a tremendous opportunity to build student success. Requiring these elements in plans makes eminent sense. In addition, the national evaluation of technology plans will allow the nation as a whole to learn from and to build on the success of those, such as the many entrepreneurial educators in Washington state, who have solved thorny problems of technology integration with creativity, wisdom, and vision. I do not want to suggest that in any way schools are not making progress in effectively using technology. We have examples of effective uses of technology from around the country, and particularly in the state of Washington, through the use of our K-20 Network (dozens of examples are described at <http://www.wa.gov/k20/>).

Washington state, as a leader in technology innovation and in the integration of technology into effective use in the classroom, has much to gain by the passage of the Cantwell-Enzi amendment to ESEA.

Sincerely,

TERRY BERGESON,
State Superintendent of Public Instruction.

AOL TIME WARNER,
Washington, DC, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: I am writing to voice AOL-Time Warner's enthusiastic support for your National Digital School District Amendment to S. 1, the BEST Act. We believe that your amendment furthers the goals of this bill as well as those of Congress and the Administration by encouraging innovative education strategies and public/private partnerships, and mandating program effectiveness assessments. We applaud your understanding of the importance of the use of technology to educate America's youth.

As you know, AOL-Time Warner has a deep and abiding interest in ensuring that all students receive an education that not only grounds them in the basics—reading, writing, and arithmetic—but simultaneously prepares them for employment in the global, high-technology economy. To achieve these goals, we believe that all students must gain access to 21st Century learning tools and skills, and that teachers must receive training in how to use new technologies and integrate them into their classrooms. Through our establishment of AOL@School, a free online learning tool that helps administrators, teachers, and students gain quick and easy access to the best educational content available on the Web, and our support of PowerUP, a non-profit organization that provides underserved youth with access to technology and mentoring, AOL-TW has made 21st Century technology literacy a cornerstone of our business and philanthropic efforts.

We believe that your amendment will not only complement these and other education technology projects in which AOL-Time Warner has been involved, but will leave a legacy of best practices for states and school districts to emulate.

Thank you again for your demonstrated leadership on this issue.

Sincerely,

JILL A. LESSER,
Senior Vice President, Domestic Public Policy.

SUN MICROSYSTEMS, INC.,
Washington, DC, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of Sun Microsystems, Inc., I would like to thank and congratulate both you and Senator ENZI on the introduction of S.A. 630: "Developing Best Practices for Technology in Education." S.A. 630 is a worthy addition to S.1, the Elementary and Secondary Education Act, and we fully endorse your efforts. We believe that S.A. 630 is a logical and much needed step that will help schools, school districts, teachers, and students all achieve significant gains in performance and efficiency by requiring the development of comprehensive strategies for technology.

As schools move towards a greater dependence on computer technology, they are continually faced with expensive hardware and software expenditures, continual upgrades, expensive technical support, and a constant need for teacher re-training. By encouraging the adoption of "best practices," we believe more schools will move toward a web-based learning model, allowing anytime, anywhere access to educational resources. Through web-based learning, our schools can achieve greater efficiency, increase access to educational resources and allow teachers to spend time doing what they do best—teach.

Therefore, we specifically support the Cantwell-Enzi Amendment because it meets the challenges of bringing education to the classroom by:

1. Requiring that local and state agencies develop strategies that include teacher development and training; curriculum development; and technology system resources to be eligible for over \$1 billion in federal technology funds;

2. Encouraging the development of best practices for the use of technology in schools that can be scalable in states and local districts around the country.

The single most important thing the federal government can do to promote real educational reform is to encourage a shift towards web-based learning. We believe this amendment is an important step, and are proud to support your efforts.

Sincerely,

KIM JONES,
Vice President, Global Education and Research.

SCHOOLTONE ALLIANCE,
Chicago, IL, June 6, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the members of the SchoolTone Alliance, I write to express support for the National Digital School Districts Amendment to S. 1, the Better Education for Students and Teachers Act. SchoolTone Alliance applauds your leadership efforts in introducing this amendment.

The amendment addresses the very real challenges faced in effectively using technology in our nation's classrooms by strengthening teacher training, improving curricular development, allocating scarce resources and identifying best practices. Last year the bipartisan Congressional Web-based Education Commission released its report, The Power of the Internet for Learning, and called upon policymakers to enact an "e-learning agenda." Your amendment implements the vision articulated in that report and will act as a catalyst in moving the power of the Internet for learning from promise to practice.

The SchoolTone Alliance is a not-for-profit, independent consortium of companies

promoting the benefits of Internet-based computing in schools. SchoolTone Alliance member companies include: ACTV HyperTV Networks, Inc.; AOL@School; bigchalk.com; Blackboard, Inc.; BritannicaSchool.com; Broadware Technologies; HighWired.com; Isis Communications Limited; JASON Foundation; Lucent Technologies; National Semiconductor; Power School; SaskTel; SchoolCity.com; SchoolCruiser/Timecruiser Computing; Simplexis.com; SRI International; Sun Microsystems, Inc. and VIP Tone, Inc.

SchoolTone Alliance and its members look forward to working with you on a mutual agenda of bringing technology to all students and in making it a more effective and efficient tool for learning.

Sincerely,

IRENE K. SPERO,
Executive Director.

UNIVERSITY OF WASHINGTON,
Seattle, WA, June 6, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR MARIA: We commend you for your leadership on the Cantwell-Enzi Amendment of S.1, S.A. 630: "Developing Best Practices for Technology in Education."

There is widespread agreement that technology has the potential to dramatically enhance teaching and learning.

In the past few years, we have made great progress in providing computers and connectivity in our classrooms, both nationally and in Washington State. In Washington State, for example, the proportion of K-12 classrooms with Internet access increased from 64% to 87% between 1998 and 2000.

However, just providing computers and connectivity is not sufficient. In Washington State, nearly half of all schools have no equipment replacement plan within a five-year cycle. Three-fourths of all schools cannot meet an equipment downtime goal of two days or less. The average time spent on staff/teacher in-service technology training is one hour per year. Per-student expenditures on all aspects of technology range from an average of \$22/student in the bottom 10% of Washington's 297 school districts, to an average of \$357/student in the top 10%. Curriculum lags tremendously. So does research on educational outcomes—measured as a fraction of total expenditures, computer chip manufacturers spend 200 times as much on R&D, and potato chip manufacturers spend 20 times as much!

Your amendment will encourage the thoughtful and effective integration of technology into the classroom, in a way that truly does enhance teaching and learning. Again, thank you for your leadership.

Sincerely,

EDWARD D. LAZOWSKA,
Bill & Melinda Gates
Chair in Computer
Science, Department
of Computer Science
& Engineering.

PATRICIA M. WASLEY,
Dean and Professor,
College of Education.

MICROSOFT CORPORATION,
Washington, DC, June 12, 2001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of Microsoft Corporation, I would like to commend you on the introduction of your amendment, "Developing Best Practices for Technology in Education," to S.1, the "Better Education for Students and Teachers

Act." As strong supporters of bipartisan education reform, Microsoft applauds your leadership and vision on this important issue, and we share your commitment to providing educators with the tools and training they need to integrate technology effectively into their classrooms.

Using technology to raise student achievement and improve professional development is vital as we seek to reform our education system. Our own initiative to promote professional development, the Microsoft Classroom Teacher Network, has helped provide technology training to nearly 1.5 million teachers annually. In addition, Microsoft has developed a suite of software tools, particularly the Encarta Class Server, Web-based curriculum development platform designed to aid teachers in classroom management. Microsoft also supports the Boys & Girls Club of America Club Tech program which gives students access to technology after school thereby providing particularly low-income children, with access to a wide array of educational technology experiences and opportunities.

By helping to provide teachers with the resources necessary to succeed, and by ensuring that educators nationwide will have access to information regarding the most effective uses of technology in raising student achievement, your amendment will help promote creativity and innovation in our education system and ensure that no child is left behind.

Sincerely,

JACK KRUMHOLTZ,
Director, Federal Government Affairs,
Associate General Counsel.

Ms. CANTWELL. I also ask the support of my colleagues in passing this legislation to make sure our technology dollars at the national level are used efficiently and effectively, that some of the models being established even in the private sector be considered as we move forward on getting the best for education under this amendment. I encourage my colleagues to support it, and again thank Senator ENZI, my staff and Senator ENZI's staff on their bipartisan effort in passing this legislation. I yield the remainder of my time.

Mr. KENNEDY. I thank the Senator from Washington for this proposal. She brings enormous experience in this area as one who has demonstrated, in another life, great perception about the possibilities of the computer world and what it can mean for enhancing education. Her recommendations in the form of this amendment are something we value. We have provisions reflected in the legislation, as the Senator has noted, but I think this perception that she has brought with this amendment will be enormously useful and valuable.

We had a good description of the proposal earlier last evening. She has given us additional comments today. We are prepared to recommend the amendment be accepted. I do so at this time. I think we are prepared to accept it.

I thank the Senator for her diligence in pursuing this matter. She has been enormously cooperative with the floor managers in arranging to bring this to the attention of the Senate. We are grateful to her for her accommodation but most importantly for the substance of this proposal, which will add to the

enhancement of children's knowledge in the area of computer technology.

We are prepared to accept that.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. We yield the remainder of our time.

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

The amendment (No. 630) as modified, was agreed to.

Mr. KENNEDY. I thank the Chair and I thank the Senator.

Ms. CANTWELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we are expecting a vote in a few moments on the Dodd amendment. Sometime after that, we will be dealing with the Hutchinson amendment and then the Schumer proposal. There will be the Schumer proposal and then there will be another first-degree amendment. Then later in the afternoon, after those, we hope to consider the Clinton amendments.

This gives an idea on how we are going to be spending the early afternoon, midafternoon. That ought to bring us into mid-late afternoon. We are making very important progress. We still have some important measures yet to address. But we are making good progress. We are very grateful for the cooperation of our colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 382

Mr. FRIST. Mr. President, we will vote in about 7 minutes. I understand the Senator from Connecticut has 2 minutes reserved prior to the vote. I will use several minutes in opposition to the amendment that has been put forth by the Senator from Connecticut. I have had the opportunity to make some main points and speak in opposition to this amendment.

It really boils down to two things. The first is the area of procedure. The Dodd amendment strips out what has been agreed to in a bipartisan way, Democrats, Republicans, and the White House, in negotiations that went on for days and weeks. Our colleagues absolutely must understand that this reaches into the agreement we have and strips out and really destroys a program called Straight A's, a program we feel very strongly about, a program that captures many of the fundamental reforms and principles that I believe will strongly change the nature of education so that we will no longer have this increasing achievement gap. Those

principles are flexibility, accountability, and local control.

The substance of what is in the underlying bill is that we have basically taken about nine categorical programs, non-title I, money for the low-income, non-title I funds. There are about 18 to 20 categorical programs. We took nine of those programs and basically said a State can apply, or a district can actually apply, and basically say we will use that money in such a way that we can identify locally with the flexibility and local control—which is so important—we will address the needs we see that are putting up a roadblock for us to educate our children.

Linked to that is our agreement that the accountability of student achievement we will demand by entering into this arrangement in order to obtain those funds with such flexibility is that we are going to meet higher standards than anywhere else in the bill. That was negotiated.

The other things we have not been talking about very much in terms of this whole concept of being a block grant. Let me just basically say it was negotiated that the standards are high, performance has to be demonstrated, or you drop out of that program.

The second point I want to make is that we have come together to negotiate this part of the bill. The fact that you would strip out a part of the bill where people say that is just one program, it needs to be understood that of the overall funding that is in this pilot program—a pilot program we would like to see opened to all States, but, no, we negotiated if from 50 to 40 to 30 to 20 to 10 to 7; so we already negotiated the categorical programs down. We all debated and decreased that from 18 to 9, so it is as small as it can possibly be in this negotiated way. And if you remove a program that accounts for about 40 percent of the funding, that destroys Straight A's, this innovative program that is set before us.

Therefore, I would argue that if our goal is to leave no child behind, we should leave at least one element of hope in this bill to capture the flexibility, the local control, and the strong accountability in which we, as Republicans, believe so strongly.

Adoption of the Dodd amendment guts Straight A's, guts this flexibility, guts this local control, and guts this opportunity to truly leave no child behind. Thus, I urge defeat of this amendment by the Senator from Connecticut.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself a minute and a half.

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

Mr. KENNEDY. Mr. President, with respect to the amendment No. 431, as modified, I ask unanimous consent that the yeas and nays be vitiated.

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

AMENDMENTS NOS. 433, 436, 431 AS MODIFIED, AND 419, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, today we are again in a position to clear amendments by unanimous consent. Therefore, I ask unanimous consent that it be in order for these amendments to be considered en bloc, and any modifications, where applicable, be agreed to, the amendments be agreed to, en bloc, and the motions to reconsider be laid upon the table, en bloc.

They are Reed amendment No. 433, Reed amendment No. 436, Reed amendment No. 431, as modified, and Specter amendment No. 419.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 433

(Purpose: To amend a definition)

On page 307, line 16, strike "and".

On page 307, line 18, strike the period and insert "; and".

On page 307, between lines 18 and 19, insert the following:

"(V) encourage and provide instruction on how to work with and involve parents to foster student achievement."

AMENDMENT NO. 436

(Purpose: To make a technical correction relating to parental involvement)

On page 90, line 5, after "problems" insert the following:

"including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan".

AMENDMENT NO. 431, AS MODIFIED

(Purpose: To provide for greater parental involvement)

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

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

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

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

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

"(ii) Each application submitted under clause (i)(II) shall describe the activities to be undertaken using funds received under this subparagraph, shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement shall include an assurance that the local educational agency will notify parents of the option to transfer their child to another public school under section 1116(c)(7) or to obtain supplemental services for their child under section 1116(c)(8), in accordance with those sections.

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

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

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

“(vi) There are authorized to be appropriated to carry out this subparagraph \$100,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.”.

AMENDMENT NO. 419

(Purpose: To improve the provisions related to initiatives for neglected, delinquent, or at risk students)

On page 233, strike lines 9 through 14, and insert the following:

“(a) **TRANSITION SERVICES.**—Each State agency shall reserve not less than 5 percent and not more than 30 percent of the amount such agency receives under this chapter for any fiscal year to support—

“(1) projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies; or

“(2) the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary education and vocational training programs through strategies designed to expose the youth to, and prepare the youth for, postsecondary education and vocational training programs, such as—

“(A) preplacement programs that allow adjudicated or incarcerated students to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

“(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment;

“(C) essential support services to ensure the success of the youth, such as—

“(i) personal, vocational, and academic counseling;

“(ii) placement services designed to place the youth in a university, college, or junior college program;

“(iii) health services;

“(iv) information concerning, and assistance in obtaining, available student financial aid;

“(v) exposure to cultural events; and

“(vi) job placement services.

On page 233, strike lines 20 through 24.

On page 234, between lines 4 and 5, insert the following:

“SEC. 1419. EVALUATION; TECHNICAL ASSISTANCE; ANNUAL MODEL PROGRAM.

“The Secretary shall reserve not more than 5 percent of the amount made available to carry out this chapter for a fiscal year—

“(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this chapter;

“(2) to provide technical assistance to and support the capacity building of State agency programs assisted under this chapter; and

“(3) to create an annual model correctional youthful offender program event under

which a national award is given to programs assisted under this chapter which demonstrate program excellence in—

“(A) transition services for reentry in and completion of regular or other education programs operated by a local educational agency;

“(B) transition services to job training programs and employment, utilizing existing support programs such as One Stop Career Centers;

“(C) transition services for participation in postsecondary education programs;

“(D) the successful reentry into the community; and

“(E) the impact on recidivism reduction for juvenile and adult programs.

On page 242, line 19, strike “and”.

On page 242, line 22, strike the period and insert “; and”.

On page 242, between lines 22 and 23, insert the following:

“(5) participate in postsecondary education and job training programs.

On page 243, line 6, insert “and the Secretary” after “agency”.

AMENDMENT NO. 382

Mr. DODD. Mr. President, let me inquire. I gather we have a unanimous consent agreement to have 4 minutes equally divided to make closing arguments.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. We are done.

Mr. DODD. I have 2 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, I had printed in the RECORD letters in support of my afterschool amendment, letters from Fight Crime: Invest in Kids, from 1,000 chiefs of police, prosecutors, crime survivors, and police organizations. Their letters are strong letters in terms of the value of afterschool programs.

Seventy percent of the chiefs of police have said the best method for reducing the problems of afterschool violence is a good afterschool program.

There have been almost 3,000 applications for 21st century learning centers since the concept was introduced a number of years ago. It has been the largest single request from local communities and community-based organizations in the history of the Department of Education.

My point is simply this. I am willing to support, and I support the Straight A's block grant program. I want to take out, however, the 5.7 percent of funding—that is all it amounts to—for afterschool programs. That program ought not end up subject to the vagaries of what happens to a State education agency.

We ought to let local communities decide whether or not they want an afterschool program. We are going to say in 7 States, in 25 school districts—that could comprise as many as 26 million children—for the next 7 years, that afterschool programs will be left to a jump ball, in effect.

This is a program that is supported by Boys Clubs and Girls Clubs. I have strong letters from the YMCAs, YWCAs—the 2,500 across the country—that urge—in fact, beg in this letter—

that we adopt this amendment. It isn't me asking for this. This is not D's and R's fighting with each other. These are people every day who are out there trying to make sure that kids can be in a safe environment after school. That is really what this amounts to. Chiefs of police say it is important. School administrators will tell you it is important.

This does not destroy the block grant program at all. This idea that it does is not based on any independent analysis of it at all. So I urge this amendment be adopted. It means a lot to our local communities. We now have 11 million kids who are home alone at the end of each school day. We need to do better by these children.

An afterschool program, based on the 21st century concept, certainly is deserving of that support. I urge adoption of the amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, just 15 seconds. We are going to hold Members accountable on the amount of time for the vote on this amendment. So I hope all Members will make it their business to be in the Chamber on time because we have to accommodate other Members who have accommodated our schedule. We are making good progress. We are going to conform to the Senate rules in relation to the time for the vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to Dodd amendment No. 382. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote “aye.”

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—47

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

NAYS—51

Allard	Ensign	McConnell
Allen	Enzi	Miller
Bennett	Fitzgerald	Murkowski
Bond	Frist	Nickles
Breaux	Gramm	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Carper	Helms	Smith (OR)
Chafee	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCaIn	Warner

NOT VOTING—2

Biden Landrieu

The amendment (No. 382) was rejected.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I missed this vote by a couple seconds. I was conducting a hearing on the Balkans. It was my fault. I am not suggesting that it is anybody's fault but mine. But if I had been here in time to vote, I want the RECORD to reflect that I would have voted for the Dodd amendment. I realize I cannot have my vote recorded, but I want to be recorded as being in favor of the Dodd amendment if I had been here in time. I apologize to my colleagues.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

AMENDMENT NO. 555, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I ask for the regular order in relation to amendment No. 555.

The PRESIDING OFFICER. The Senator has that right, and the amendment is now pending.

AMENDMENT NO. 555, AS FURTHER MODIFIED

Mr. HUTCHINSON. Mr. President, I send a further modification to amendment No. 555 to the desk and ask unanimous consent it be so modified.

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

The amendment, as further modified, is as follows:

At the end of title IX add the following:

902. DEPARTMENT OF EDUCATION CAMPAIGN TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

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

(1) Service in the Armed Forces of the United States is voluntary.

(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

(6) A number of high schools across the country have denied recruiters access to students or to student directory information.

(7) In 1999, the Army was denied access on 4,515 occasions, the Navy was denied access on 4,364 occasions, the Marine Corps was denied access on 4,884 occasions, and the Air Force was denied access on 5,465 occasions.

(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

(11) Denying recruiters direct access to students and to student directory information undermines United States national defense, and makes it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national security.

(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

(b) CAMPAIGN TO PROMOTE ACCESS.—

(1) REPORT.—Not later than 30 days after the date of enactment of this Act, each State shall transmit to the Secretary of Education a list of each school, if any, in that State that—

(A) during the 12 months preceding the date of enactment of this Act, has denied access to students or to student directory information to a military recruiter; or

(B) has in effect a policy to deny access to students or to student directory information to military recruiters.

(2) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Defense, shall, not later than 90 days after the date of enactment of this Act, make awards to States and schools using funds available under section 6201(d) of the Ele-

mentary and Secondary Education Act to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

(B) TARGETED SCHOOLS.—In selecting schools for awards required under subparagraph (A), the Secretary shall give priority to selecting schools that are included on the lists transmitted to Congress under paragraph (1).

SEC. 903. MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—

(1) PROHIBITION.—No funds available to the Department of Defense may be provided by grant or contract to any institution of higher education (including any school of law, whether or not accredited by the American Bar Association) that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(2) COVERED STUDENTS.—Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) DEFINITION.—For purposes of this section, the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

Mr. HUTCHINSON. Mr. President, I want to make a brief presentation on this amendment and the need for this amendment. Senator SESSIONS may also wish to make a brief statement regarding this amendment.

I believe in discussions with Senator KENNEDY and Senator REID this amendment has been agreed to, but I do want to make a brief statement about it and give Senator SESSIONS an opportunity to do likewise.

In my role last year as chairman of the Personnel Subcommittee on Armed Services, we held two hearings regarding recruitment to our armed services. One of the tragedies I became aware of was there are literally thousands of high schools across the United States that have denied access to our military recruiters. That is a national shame.

In fact, we found that in 1999, which is the last year figures are available, the Army was denied access to 4,515 high schools; The Navy was denied access to 4,364 high schools; The Marine Corps was denied access to 4,884 high schools; and the Air Force was denied access to 5,465 high schools.

These same high schools across the country are providing student directory information to college recruiters. They are providing routine access to employers, to class ring companies. I was very concerned about this. As a result, I put a provision in last year's Defense authorization bill that required

those high schools that want to deny access to go through a process in which the publicly elected school board members would have to vote proactively to deny access on a discriminatory basis to military recruiters.

I do not think many are going to do that. The thousands of schools that are denying access are doing so usually at the whim of a principal or superintendent who, for one reason or another, does not believe recruiters should come on campus.

I believe they should have equal access. To the extent they allow college recruiters and employers to recruit, then our military recruiters should be able to come on that campus and tell their story, and they have a great story to tell. They have a story to tell about career opportunities in our armed services. They have a story to tell about educational benefits that are offered in the armed services. They have a story to tell about what Congress has done to enhance health care benefits for those who make a career in the armed services. They have a great story to tell young people, and young people need to have this career option laid out before them. The military should not be discriminated against.

We put those provisions in, and Senator KENNEDY worked closely with us ensuring it was not too heavy handed. In fact, there is a whole process set up in which schools that are denying access will have everyone clear up to the Secretary of Defense notified. The Governor of the State will be notified, and a process is put in place whereby whatever problems may have led to that discriminatory denial of access can be addressed and hopefully amicably addressed so recruiters can get into the schools again.

Only when a publicly elected school board votes publicly to deny access will they be able to opt out of the bill. If they ignore the law, which was passed by the Congress last year and signed into law, they open themselves to a Federal lawsuit.

What we are finding out now is we are approaching the 1 year out from when the law takes effect. Recruiters have told me this year, personnel chiefs have told me this year that they are finding principals do not know there has been a change in the law. Superintendents simply do not know that this is the new law of the land.

My amendment tells the Secretary of Education that he must begin an educational campaign in the course of this next year so superintendents and principals are not going to have the excuse that they did not know. They are going to know what the new policy is. They are going to know what the new law is and begin, hopefully, to prepare for July 1, 2001, when that law takes effect. I am very pleased that on both sides of the aisle, in a bipartisan way, there is an agreement. This has been a good step to take. This is a good vehicle for this provision in the Elementary and Secondary Education Act.

I am also pleased Senator SESSIONS of Alabama called to my attention another problem that has developed. I yield to Senator SESSIONS for a statement about that provision he has added in a modification to the amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Arkansas for his leadership on this important issue. The U.S. military has been a guardian of liberty for the United States and for freedom-loving people all over the world. It has preserved our freedom. I wish it were not so that we had to have a military, but we do, and it is critically important the men and women in the military have the best education, and they recruit the best young people in America, urging them to consider a career in the military.

There is a group that is active in America that sometimes is hostile to that. One of the most astounding things I learned a few years ago as attorney general of the State of Alabama, a young man I hired to work in my office went to law school, and the law school he attended would not allow military recruiters to come on the law school campus to solicit lawyers to join the military. I was astounded. He said the students got up a petition to protest it. I thought he was kidding. He was not kidding. In fact, that was the circumstance.

I talked to the dean and I later drafted legislation to require that law schools allow recruiters on campus. They told me apparently it is a problem, and it may be a reality all over America. They said the reason this was occurring was because the accrediting agencies for law schools take the position that the "don't ask, don't tell" policy of the U.S. military, approved by former President Bill Clinton, is discriminatory and, therefore, law schools cannot allow anybody who discriminates to come on campus. So they have made that an accrediting factor and have intimidated law schools.

This unelected group—who they are, I am not sure; perhaps they are left-over antiwar activists—is dictating this around the country.

I think this legislation will be a healthy signal that the Senate says, as I told this law school dean: You have freedom. We have a rule of law in America today because men and women in uniform have defended against the Communist totalitarians, the Nazi oppressors, and defeated them and preserved liberty. The very concept, the very idea that a legal arm of the Defense Department, the JAG officers, are not respected and cannot recruit on the campus of the best law schools is unacceptable.

I appreciate the opportunity that Senator HUTCHINSON has provided to allow this amendment to be included as a part of his legislation. I think it is good public policy. I think it is wrong to allow this to happen in America today. I think this legislation could

make a big step in eliminating the problem. If it does not, we may have to have more specific legislation in the future.

I thank the Chair. I thank Senator HUTCHINSON. I thank Senator KENNEDY and Senator GREGG.

Mr. KENNEDY. Mr. President, I understand that the final modification may take a moment or two. There is the question about out of which fund the resources will come. I understand the proponents want it out of the Secretary's discretionary fund rather than the initial funding, which was about \$125 million that was going to be used for bonuses for States and communities that meet their responsibilities in developing their tests. We are just checking on the cross-reference number.

That aside, I thank Senator HUTCHINSON and Senator SESSIONS for their cooperation in working this amendment through. We have a procedure in place now so we can focus responsibility if there is a denial for access to the campuses of this country. It does seem to me that the armed services ought to have the same ability for access to students as other groups that are recruiting at these universities and colleges and schools. I think that is a rather basic and fundamental concept and one with which I agree.

I think we have a proposal to try to move that process forward. There is some existing legislation in place. This is a restatement of that legislation because there has been some question in some minds whether the existing legislation did the job. I thought the member of the Committee on Armed Services, the one who had visited this issue previously, thought it did, but we have some additional ways of encouraging schools and colleges and law schools to give consideration to recruiters. That has been included in this amendment. That is acceptable to me, and I hope when it is finalized, which should be in a moment, we will move ahead and accept the amendment.

Mr. GREGG. Mr. President, I join with my colleagues, and I especially thank the Senator from Arkansas and the Senator from Alabama for bringing this amendment forward. I think it is absolutely essential that we, as the Senate, put ourselves unalterably on the record, in a clear manner, that we believe the armed services have every right, and in fact colleges have an obligation to allow them, to recruit on their campuses, whether they be law schools, whether they be graduate schools, or whether they be undergraduate schools.

The attempt to exclude the military services from different colleges is an example of political correctness run to its extreme. As the branch of government which funds the armed services and which has a critical obligation of making sure the armed services is filled with talented citizens, it is our obligation to recruit aggressively. The natural place to recruit is in the higher system of education and in our high schools.

I congratulate the Senator. It is an excellent amendment. I look forward to its passage.

Mr. DODD. Mr. President, I ask unanimous consent the Hutchinson amendment be temporarily laid aside so I may offer an amendment which I believe will be accepted.

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

AMENDMENT NO. 456, AS MODIFIED, TO
AMENDMENT NO. 358

Mr. DODD. I send a modification of the early childhood educator professional development amendment No. 456 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 Connecticut [Mr. DODD], for himself and Mr. CORZINE, proposes an amendment numbered 456, as modified.

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

The amendment is as follows:

On page 383, after line 21, add the following:

“PART E—EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT

“SEC. 2501. PURPOSE.

“In support of the national effort to attain the first of America’s Education Goals, the purpose of this part is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

“SEC. 2502. PROGRAM AUTHORIZED.

“(a) GRANTS TO PARTNERSHIPS.—The Secretary shall carry out the purpose of this part by awarding grants, on a competitive basis, to partnerships consisting of—

“(1)(A) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

“(B) another public or private entity that provides such professional development;

“(2) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations; and

“(3) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs in identifying and preventing behavior problems or working with children identified or suspected to be victims of abuse.

“(b) DURATION AND NUMBER OF GRANTS.—

“(1) DURATION.—Each grant under this part shall be awarded for not more than 4 years.

“(2) NUMBER.—No partnership may receive more than 1 grant under this part.

“SEC. 2503. APPLICATIONS.

“(a) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each such application shall include—

“(1) a description of the high-need community to be served by the project, including such demographic and socioeconomic information as the Secretary may request;

“(2) information on the quality of the early childhood educator professional development program currently conducted by the institution of higher education or other provider in the partnership;

“(3) the results of the needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

“(4) a description of how the proposed project will be carried out, including—

“(A) how individuals will be selected to participate;

“(B) the types of research-based professional development activities that will be carried out;

“(C) how research on effective professional development and on adult learning will be used to design and deliver project activities;

“(D) how the project will coordinate with and build on, and will not supplant or duplicate, early childhood education professional development activities that exist in the community;

“(E) how the project will train early childhood educators to provide services that are based on developmentally appropriate practices and the best available research on child social, emotional, physical and cognitive development and on early childhood pedagogy;

“(F) how the program will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, disabilities, or other special needs; and

“(G) how the project will train early childhood educators in identifying and preventing behavioral problems or working with children identified as or suspected to be victims of abuse;

“(5) a description of—

“(A) the specific objectives that the partnership will seek to attain through the project, and how the partnership will measure progress toward attainment of those objectives; and

“(B) how the objectives and the measurement activities align with the performance indicators established by the Secretary under section 2506(a);

“(6) a description of the partnership’s plan for continuing the activities carried out under the project, so that the activities continue once Federal funding ceases;

“(7) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

“(8) an assurance that, in developing its application and in carrying out its project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

“SEC. 2504. SELECTION OF GRANTEEES.

“(a) CRITERIA.—The Secretary shall select partnerships to receive funding on the basis of the community’s need for assistance and the quality of the applications.

“(b) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

“SEC. 2505. USES OF FUNDS.

“(a) IN GENERAL.—Each partnership receiving a grant under this part shall use the

grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

“(b) ALLOWABLE ACTIVITIES.—Such activities may include—

“(1) professional development for individuals working as early childhood educators, particularly to familiarize those individuals with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

“(2) professional development for early childhood educators in working with parents, based on the best current research on child social, emotional, physical and cognitive development and parent involvement, so that the educators can prepare their children to succeed in school;

“(3) professional development for early childhood educators to work with children who have limited English proficiency, disabilities, and other special needs;

“(4) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified or suspected to be victims of abuse;

“(5) activities that assist and support early childhood educators during their first three years in the field;

“(6) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

“(7) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

“(8) data collection, evaluation, and reporting needed to meet the requirements of this part relating to accountability.

“SEC. 2506. ACCOUNTABILITY.

“(a) PERFORMANCE INDICATORS.—Simultaneously with the publication of any application notice for grants under this part, the Secretary shall announce performance indicators for this part, which shall be designed to measure—

“(1) the quality and accessibility of the professional development provided;

“(2) the impact of that professional development on the early childhood education provided by the individuals who are trained; and

“(3) such other measures of program impact as the Secretary determines appropriate.

“(b) ANNUAL REPORTS; TERMINATION.—

“(1) ANNUAL REPORTS.—Each partnership receiving a grant under this part shall report annually to the Secretary on the partnership’s progress against the performance indicators.

“(2) TERMINATION.—The Secretary may terminate a grant under this part at any time if the Secretary determines that the partnership is not making satisfactory progress against the indicators.

“SEC. 2507. COST-SHARING.

“(a) IN GENERAL.—Each partnership shall provide, from other sources, which may include other Federal sources—

“(1) at least 50 percent of the total cost of its project for the grant period; and

“(2) at least 20 percent of the project cost in each year.

“(b) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirement of subsection (a) through cash or in-kind contributions, fairly valued.

“(c) WAIVERS.—The Secretary may waive or modify the requirements of subsection (a) in cases of demonstrated financial hardship.

“SEC. 2508. DEFINITIONS.

“In this part:

“(1) HIGH-NEED COMMUNITY.—

“(A) IN GENERAL.—The term ‘high-need community’ means—

“(i) a municipality, or a portion of a municipality, in which at least 50 percent of the children are from low-income families; or

“(ii) a municipality that is one of the 10 percent of municipalities within the State having the greatest numbers of such children.

“(B) DETERMINATION.—In determining which communities are described in subparagraph (A), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

“(2) LOW-INCOME FAMILY.—The term ‘low-income family’ means a family with an income below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available.

“(3) EARLY CHILDHOOD EDUCATOR.—The term ‘early childhood educator’ means a person providing or employed by a provider of non-residential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through kindergarten.

“SEC. 2509. FEDERAL COORDINATION.

“The Secretary and the Secretary of Health and Human Services shall coordinate activities under this part and other early childhood programs administered by the two Secretaries.

“SEC. 2510. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$30,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.”

The PRESIDING OFFICER. The amendment is so modified.

Mr. DODD. I have cleared the modification with the manager and the ranking member. I offer this amendment on behalf of myself and Senator CORZINE of New Jersey. It is the early childhood educator professional development amendment.

We have been talking a lot in the last few days about raising the quality of education for all children. Learning starts, as we all know, very early—earlier than most people imagined a few years ago. If we want to succeed with educational reform, we have to help those educators work with very young children.

We know from research that quality child care makes a difference in children's readiness for school, their behavior, and their social and emotional development.

A study following children in Chicago enrolled in the Child Parent Program and other early childhood programs over a 15 year period, reported in the May 9, 2001 Journal of the American Medical Association, shows that low-income children in high-quality, comprehensive early childhood education programs have lower rates of juvenile arrests and violent arrests.

The National Academy of Sciences' report, *Neurons to Neighborhoods*, also

stressed the importance of quality early childhood education to child development.

And, many other studies confirm that children who attend early childhood education programs led by highly qualified educators are more likely to have better behavior skills, more enriched vocabularies and pre-reading skills, and to succeed in school.

Yet we do not give the caregivers and teachers who nurture 13 million children outside of their homes every day the training that they want and need.

Many child care and preschool teachers have only a high school diploma. And, often, preschool teachers receive only ten hours of training each year.

Children who can't interact well with other children or their teachers are going to have a better chance at learning to read if we develop their reading skills in conjunction with their other developmental needs.

For children to be ready for school and to learn to read, their early childhood educators must have the training to help them develop intellectually and socially.

This amendment would provide for grants to local partnerships to train early childhood educators in children's social, emotional, cognitive, and physical development, including ways to identify and prevent behavior problems and children who are victims of abuse.

Violence prevention must begin with very young children. With the skills and knowledge on how to effectively help young children deal with anger and conflict without violence and to support their learning, many more children will succeed in school and beyond.

If we can deal with these issues early in life, we can help prevent negative, even violent, behavioral problems later.

We must invest in the teachers of our young children.

This amendment is supported by a long list of organizations representing the early childhood educator community, including the American Federation of Teachers, the Children's Defense Fund, the Departments of Education in Maryland, New York State, Oregon, Rhode Island, and South Carolina, the National Association for the Education of young Children, the National Head Start Association, the YMCA, the YWCA, and many others.

I ask my colleagues to join me in Senator CORZINE in supporting this important amendment.

I think the amendment is being agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend the Senator from Connecticut for his initiative in this area. He makes a number of good points about the need for high-quality teachers being involved in early childhood education programs. The amendment is acceptable to the managers on this side.

If there is no other debate, I will urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 456), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

PREVIOUSLY SUBMITTED AMENDMENT NO. 458

Mr. DODD. Mr. President, I am not going to offer this amendment. I will ask unanimous consent the amendment be printed in the RECORD, the one I was about to offer on equity for Puerto Rico, amendment No. 458. I ask unanimous consent this amendment be printed in the RECORD.

(The amendment is printed in the RECORD of May 9, 2001, under “Amendments Submitted.”)

Mr. DODD. I do not intend to offer this amendment, but I wanted to raise it as a subject matter that has been discussed both in the other body and here. As we all know, Puerto Rico is part of America. They do not have Senators here, so from time to time those of us who have been involved and care about the hundreds of thousands, millions of people who live on the island of Puerto Rico, and the 600,000 children on that island, and the quality of education they receive, take on the responsibility of trying to raise the issues that are important to these fellow Americans.

This amendment I will not offer right now. The House has included some language to deal with title I education in Puerto Rico. I am hopeful in conference maybe we can work out some accommodation that will serve these children.

Title I is very important to Puerto Rico because of the island's high concentration of low-income children. Mr. President, 93 percent of Puerto Rico's public schools participate in title I. More than 600,000 children benefit from the title I program. The cost of educating children in Puerto Rico is comparable to the cost of educating children in the 50 States. In fact, the cost of living in San Juan, Puerto Rico, its capital, is higher than the cost of living in most other major American cities. Failure to provide equitable treatment to Puerto Rico and its children who are American citizens, American children, perpetuates a system that denies those children the access to quality education that every child deserves.

The President has articulated in his statements that we should be leaving no child behind in this country. The Puerto Rican children, as I said, have no Senators to represent them. They do have a very fine Representative in the other body, ANÍBAL ACEVEDO-VILÁ, who represents the island of Puerto Rico in the other body. He does not have a vote, but he has a voice. He votes in committees. He has talked to me and other Members about the importance of title I funding in Puerto Rico.

So on behalf of my colleague in the other body, on behalf of the 600,000 children in Puerto Rico and their families, I put this amendment in the RECORD. I raise the issue here to let them know we will continue to pursue this matter when it comes up in conference.

Puerto Rico is working very hard to help its children compete. Over the last 5 years, it has increased its per pupil investment in education by 58 percent. That is more than any State in the United States and more than the national average, but because of the unfair treatment we give this group of Americans, Puerto Rican children receive only three-quarters of the resources they would receive were they to move to Connecticut, Rhode Island, or any other State. Even though they are American citizens, we do not provide them the full funding every other State gets under title I under proportionality, so these fellow citizens of ours are not treated as equally as others.

On behalf of the people of Puerto Rico, I hope that situation will be corrected. We will fight very hard for it in conference, but recognizing the realities here on the floor, I am fearful such an amendment might fail. I think there is a better chance of working out something with the other body in conference that will accommodate these people.

The 516,000 poor children in Puerto Rico should know we have not given up and we will carry on this battle in conference.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with my friend and colleague from Connecticut in pointing out to this body the unfairness of the treatment of Puerto Rico.

If I am not mistaken, I think they have a greater participation in the military forces of this country than any State or other territory. I remember at one time when we were battling on questions of the Food Stamp Program pointing out the number of Puerto Rican Congressional Medal of Honor winners in the conflicts of this Nation. They are, in many instances, the earliest units that get called up to the service of this country. They have served all over the globe and have proudly worn the American uniform. Yet they are being constantly short-changed in this extraordinarily important area, important to families in our 50 States. But these families in Puerto Rico care as deeply as any families do in any part of the United States about their children, and the hopes and dreams of those children are just as real as the hopes and dreams of children here.

So I give assurance to the Senator. We have talked about this. It was raised briefly in the markup of our committee. We will work with our colleagues on the other side and with our

friends in Puerto Rico and hopefully with the administration to move us in the direction of treating them equitably and fairly. They are not so treated at this time. I think the American people would certainly support that.

If we are able to get the additional funding, which I am hopeful we are able to do, the opportunities will be even greater. But I thank the Senator for bringing up this subject.

We want to give full notice to all of our colleagues that we are going to try to find a way to treat Puerto Rico fairly, as they should be treated and as they are not being treated at the present time.

I thank the Senator for bringing this matter to our attention.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I join my friend and colleague from Massachusetts in saluting the Senator from Connecticut and the Senator from New Jersey for this outstanding amendment. I think it has been summed up well by both speakers. The funding in Puerto Rico is not what it should be. Certainly given that every Puerto Rican is an American citizen, given the fact that we have, particularly with my State and so many of the others, people who are going back and forth, educated in one, work in the other, and go back home to retire, we want the best educated people in Puerto Rico that we can have.

Title I said we are going to do that for people who are less advantaged than the rest of us. To exclude Puerto Rico from that formula is both unfair to their birthright as citizens, to the fact they fight in the military, to the fact that they do all the things all of us do, and at the same time it is also foolish because a better educated Puerto Rico makes a stronger America and a stronger American economy.

Certainly it affects the State that I represent very directly.

This is an excellent amendment. I think the Senator from Connecticut has done the right thing by not forcing the debate. I join him in an earnest wish that the conferees will take care of this problem in conference so that we will finally do right by the children of Puerto Rico, American citizens as we are.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator SCHUMER be recognized to offer an amendment regarding funding with 40 minutes for debate; further, that when Senator DOMENICI offers his amend-

ment regarding funding, which is at the desk, the debate be limited to 40 minutes; further, that the debate on the two amendments be divided as follows: Senators SCHUMER, DOMENICI, GREGG, and KENNEDY; further, that upon the use or yielding back of the time, the Senate vote in relation to the Domenici amendment followed by 4 minutes for closing debate, and a vote in relation to the Schumer amendment with no second-degree amendments be in order.

Ms. COLLINS. Mr. President, reserving the right to object, I will not object. I wonder if we could add "or their designee."

Mr. KENNEDY. I so add "or their designee."

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 800 TO AMENDMENT NO. 358

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 800.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002)

At the appropriate place insert the following:

SEC. 902. SENSE OF THE SENATE ON APPROPRIATION OF ALL FUNDS AUTHORIZED FOR ELEMENTARY AND SECONDARY EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush has said that bipartisan education reform will be the cornerstone of his administration and that no child should be left behind;

(2) the Bush administration has said that too many of the neediest students of our Nation are being left behind and that the Federal Government can, and must, help close the achievement gap between disadvantaged students and their peers;

(3) more of the children of our Nation are enrolled in public school today than at any time since 1971;

(4) math and science skills are increasingly important as the global economy transforms into a high tech economy;

(5) last year's Glenn Commission concluded that the most consistent and powerful predictors of student achievement in math and science are whether the student's teacher had full teaching certification and a college major in the field being taught; and

(6) Congress increased appropriations for elementary and secondary education by 20 percent in fiscal year 2001.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask that I be yielded 10 minutes of the

pending time to the Schumer amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. SCHUMER. Mr. President, I offer this amendment on behalf of myself and my colleague from California, Senator BOXER. We have worked hard on this amendment. I very much appreciate her efforts and inspiration on this amendment.

Our amendment is very simple. I am going to read it to the body so there can be no mistake about it. After a bunch of whereas clauses, on line 23, page 2, it says:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

The amendment is very simple. Basically it says to this body, to the other body, and to the White House: Put your money where your mouth is.

We have been talking about education, as we should, for the last 2 weeks. We have been saying how important education is to the future of America. We have been debating—and I think in a rather good debate—the various new programs we wish to add to education. We have talked about modifying other programs. As a result, so that these will not be empty promises, we have added over \$10.6 billion to the authorization level if you just count the five major programs: IDEA, title I, teacher quality, bilingual immigrant, and afterschool. There are several more billion that have been added as well.

What a hollow promise it would be if we passed this bill and then did not appropriate the money. To those who have been listening to this debate in the gallery and elsewhere, an authorization brings no new money to a program. It is simply an ability to open up a bank account up to a certain level. It is the appropriation that actually puts the money in the bank account. It is only the appropriation that will fund the special education or the teachers for underachieving children or the teachers of high quality throughout America or the afterschool programs.

If we were to authorize a beautiful shiny bill and put it in a nice box and put a ribbon on it and send it to the White House, and the President were to have a big signing ceremony, and then in the summer, when the appropriations process began, we were to not appropriate even close to the amount of money we have authorized, all our talk the last few weeks would be a hollow promise. We would be saying, yes, we care about education, but we do not care enough about education to fund it.

All the things that make the public cynical about this city, and even about this Chamber, would come to be realized in those two contradictory acts: One, great debate and discussion about programs, and then later in the summer, no money to fund all the programs we are talking about.

Why is this amendment necessary? It is certainly true that we do not always

appropriate every dollar we authorize. But it is quite glaring in the actions we have taken thus far. The President has run on a platform as an education President. This Senate debates this bill and says we are going to be the education Senate. Yet in the budget we passed—in the President's budget—the increase in the amount of money actually proposed for education is considerably less than last year and the year before and the year before.

So are we serious or are we just fooling the American people? Is this a real debate or is this just for show to make us feel good and make our constituents feel good? That is the fundamental question with which this amendment deals.

I know there are many in this Chamber on both sides of the aisle who believe so strongly in this matter that they don't want to allow this bill to actually get to the President's desk until we see if there is going to be money for it.

This amendment that I have authored with the Senator from California says that. It says, very simply, that we are going to put our money where all our verbiage has been. It says, very simply, that we care enough, as hard and tight as this budget is, that we are going to find room to pay for quality teachers, to pay for special education.

It says we realize that the local property tax, which funds education throughout America, is so high for almost all of our constituents that if we do not come to their aid, the quality of our schools will certainly decline.

I know the Senator from New Mexico has an amendment, but it is a meaningless amendment; I do not know why he even offered it because all his amendment says—let me read it—is: the Senate make funding consistent with the President's budget.

I would not advise people to vote for it if they have been voting for these increased programs because the President's budget does not fund them.

I say to my colleagues, we just have finished 2 weeks of a debate where we have debated how this program should be changed, whether this one should get \$500 million or \$600 million. That is not much when you consider it is all of America, with the tens of millions of schoolchildren we have in this great country. How can we then just go ahead and vote for the amendment by the Senator from New Mexico which says we are not going to fund it? Because that is what Senator DOMENICI's amendment says. It says, we are not going to fund education to the extent that we have just voted in the last 2 weeks we should fund education.

Are we going to make this the bill of fulfilled dreams for so many schoolchildren or the bill of broken promises? That is what the contrast is. The Schumer-Boxer amendment says we are going to try to help you reach your dream; we are going to help you fund your schools to make your schools bet-

ter. The Domenici amendment says it is already a broken promise even though we are voting for an authorization for the kids in special ed, which consumes such a high percentage of local school budgets; for the kids in title I who need a little help to read up to grade level; for teacher quality so that our kids get the best teachers, and teaching is an elite profession in the 21st century. The Schumer amendment says we are going to deliver. The Domenici amendment says we are not, so don't pay any attention to what we have done over the last 2 weeks.

Mr. President, I yield to my colleague and coauthor of this amendment, the Senator from California, 10 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from New York. As usual, he has really cut through a lot of the fussiness surrounding this debate and made the point clear. That is why I was so proud to team up with him.

All we are saying in this amendment is, fund the programs you just voted to fund. It is as simple as that. And just so everybody understands it, I will explain it one more time. In every program that we put forward in the Federal Government, no matter what it is, you basically have an authorization, which is the nod. It says to the appropriators: It is OK to fund the military up to this amount; it is OK to fund education up to this amount, highways up to this amount. That is the authorization.

The next step that makes it all a reality is the funding, the actual funding of those programs. That is called appropriations. So the Schumer-Boxer amendment simply says—and I am going to say it in his words because they come from the heart and soul of Brooklyn, NY—put your money where your mouth is.

Everyone understands what that means. We can all give the greatest speeches coming out of our mouths—golden words, beautiful words. What does it mean if you do not back it up with reality, with substance, and, in this case, with funding?

It doesn't mean anything for amendments to pass and then not to fund them. I guess the senatorial way to say it would be, fulfill your commitments that you made on this ESEA bill. That is all it says.

We have been debating this for weeks. Senator DOMENICI's alternative to Schumer-Boxer essentially says: All this was wasted time. We are not going to fund all of this. We are just going to go back to the President's budget which shorts all of these programs.

The next chart shows what we have voted to fund in this bill. By the way, I have not included everything, but Senator COLLINS will recognize this because she worked hard on some of these items. Senator COCHRAN will recognize it because he worked hard on this, as well as Senators LINCOLN, AKAKA, MIKULSKI, REED, and DOMENICI. I worked

with Senator ENSIGN. These are quite bipartisan. As a matter of fact, the first one, title I, full funding, is a Dodd-Collins amendment. So look at what we have done.

The authorizing level we just passed for the current year is \$15 billion, and the Bush budget is \$9 billion. So there is a gap we need to fill. IDEA, which is for special education, the kids who need the help, it is funded at \$8.8 billion for next year; the President's budget is \$7.3 billion. There is a shortfall. Continuing the list: Teacher quality, \$3 billion compared to \$2.6 billion; the Boxer-Ensign bill on afterschool, \$1.5 billion compared to \$846 million; grants for enhanced testing, \$200 million, a new program; math and science education, DICK DURBIN's amendment, up \$400 million; bilingual education, up, that was LINCOLN CHAFEE; small programs, THAD COCHRAN, that is zero in the President's budget, \$416 million here; economic education, \$10 million, a new program; community technology, \$100 million to zero; school libraries, \$500 million to zero in the Bush budget; and mental health grants, I say to my friend, Senator DOMENICI, \$50 million, a new program. He doesn't even say we ought to fund his own amendment. He says stick to the President's budget. He would not fund the program he brought here, and he worked with Senator KENNEDY on it. It was done by unanimous consent. It was that popular.

So here we have it in black and white. This is only \$10.4 billion. I understand the difference now is \$12.3 billion because after we made this chart, we approved some other programs.

I say to the Senator from New York and to the Senator from Massachusetts and to Senator COLLINS, who is managing the floor for the Republicans: We have to do more than just say nice words. We have to do more than stand here and say "our children are our future." How many of us have said that? Probably all of us at one time, that we care about them. We have to say more than just education is our priority. What we have to do is come behind those words with the resources.

This bill is about reform. If you want results, you need the resources. It is kind of like the three R's. This next chart is the essence of the Schumer-Boxer amendment. On our side of the aisle what we are saying is—and we hope Republicans will join us—we want reform. We have proven that by this bill. We want resources. We have proven that by this amendment. And we expect results. We are going to hold people accountable for results.

So far, our Republican friends support reform. But if they back the Domenici alternative to Schumer-Boxer, I think we can truly say they don't support resources and they cannot possibly expect results.

Every one of these programs I have shown you has been brought to the Senate by various Senators. Now is the time when the rubber meets the road.

Another saying, one we hear a lot: The rubber meets the road. How are you going to bring into effect these wonderful programs, such as teacher quality, title I, grants for enhanced testing, math and science, bilingual ed, small programs, economic education, community technology centers, school libraries, mental health clinics, afterschool programs, if you don't bring to the fore the resources? Or, said in a better way in the Schumer-Boxer amendment: It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

To my colleagues who may be listening in their offices, if you vote against the Schumer-Boxer amendment, I have to say, I don't understand why you voted for this wonderful list of enhancements for our children. It just does not make sense. We are saying, you voted for the authorizing of these programs; now vote for the appropriations.

As my colleague Senator SCHUMER has stated: Some Members feel so strongly about it, they did not even want to bring this bill to the floor until we had a meeting of the minds with our Republican friends and the President that these programs would be funded or at least some of them would be funded.

I urge my colleagues to come together, Republicans and Democrats alike, and give the thumbs up to this bill. You all say you like it. President Bush has held meetings. He has had Congressman MILLER on one side and TED KENNEDY on the other. That is great. Photo ops are great. We all love them. You show you are for the kids and then your budget falls \$12 billion short next year of what we need to do to carry out all this important work we have done over weeks and weeks on this bill.

I thank my colleague from New York. We have joined together, east coast, west coast. We hope all those in the middle will join us and defeat the Domenici amendment. If all we are going to do is appropriate the money in the President's budget, we can't really do this.

The most important thing, regardless of what we do with Domenici, is to support the Schumer-Boxer amendment. That will show that we mean what we say and we say what we mean. And we should be a model to our children. I look up in the galleries and see a lot of kids here. They are watching us. We had better mean what we say.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know my friend and colleague from Iowa wanted some time as well. I do not see him on the floor. Do I understand now I have up to 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator has 20 minutes on the two amendments.

Mr. KENNEDY. I thank the Chair. I yield myself 7 minutes.

The end is in sight in terms of the completion of this legislation and this phase of the legislative process. It has been on the floor now for several weeks. We have had good debates on a number of very important measures. We still have some remaining items through the afternoon, hopefully recessing at a reasonable hour this evening. Then we will have a full morning and early afternoon tomorrow with a series of amendments by Senators HELMS, MURRAY, and SESSIONS. Hopefully, we will be able to conclude the legislation by tomorrow at a reasonable time.

It is appropriate, as we are coming into the final hours of consideration of the legislation, to take stock of where we are, to take stock of the legislation, and then to look down the road in terms of the future.

We are going to be completing this legislation. We will move to the conference with the House of Representatives, which has a somewhat different approach than we have, but we have a fundamental agreement on what we are going to do. We will have an opportunity to address those issues and to find common ground with the House. Then we will come back here with a final product.

I am strongly committed and will work very hard to make sure we are going to come back with a program that is going to, in this instance, include the funding for the IDEA programs, which make such a difference for children in my State and across the country. By that I mean the mandatory spending for the IDEA. We have had bipartisan support to include that in the legislation. It was reflected here during the discussion, not only on that amendment but on others, as well, by Republicans and Democrats. It is vitally important. It makes a great deal of difference in terms of the results on this whole program.

When you take the funding of IDEA and also the funding in terms of title I, plus what we have done with other elements in terms of the Elementary and Secondary Education Act, and if we are going to move toward a real funding and investment in our children, I think we have the most unique opportunity we have had in recent times to make a major difference in terms of the neediest children in our country. We should not miss it.

What we have seen over the period of these past several weeks is the attempt to try and get it right in terms of working to make sure that children in local communities are going to have available to them tried, tested, and proven programs that can provide academic achievement and advancement. That is what this legislation is really all about. We know what needs to be done. The question is, do we have the

willpower to be able to do it? That is what this amendment of Senator SCHUMER and Senator BOXER really is all about—to put the Senate on record in the final hours of this debate that we believe we need the resources made available to the children in this country that otherwise would be denied it.

Mr. President, we have to understand that this legislation isn't going to solve all of the problems. We will be back in another 6 years trying to deal with these issues again. But what the proponents of this amendment understand is that what is really essential is the investment in the early education of the children of this country, to invest in Early Start, Healthy Start, early learning, and children in terms of the Head Start Program. We are strongly committed to that. We are all strongly committed to the concept of having a child ready to learn when they go into school. That is a given. The funding is not there. The funding is not there for those programs.

Many of us are greatly disappointed because when we are talking about the children, particularly the very small children and the children who will be affected by this legislation, we are defining the future of this Nation. We are defining the future of our democracy, the future of our economy, and the future of the relationships these individuals are going to have with their families.

This is about America's future. For my money, there isn't a more important investment that we can make. This is about our children and about our future.

This chart reflects the progress we have made in recent times in the elementary and secondary education budget increases. We have seen that over the period of the last 7 years it has gone up by 8.6 percent. We have heard it said that money isn't everything, money doesn't solve all the problems, and let's not just throw money at education. We understand that. The fact is, though, the investment here is a clear reflection about our Nation's priorities.

As a matter of national priority, do we think investing in the neediest children in our country is a priority in which we ought to invest?

This amendment says, yes, there is no higher priority. What we have had and what we are looking at is the budget that has been proposed by this administration, by this President, supported by this Republican Party and its Republican leadership. When you look at that record, the proposed ESEA budget increases that will be incorporated, this concept in the Domenici amendment, there is a 2.6 percent increase in 2002. That is a \$1 billion addition for IDEA and \$700 million for the title I program—\$700 million for the title I program.

We are only reaching a third of the children at the present time. And then if you look at this chart for the years 2003, zero; 2004, zero; 2005, zero; 2006,

zero; 2007, zero; 2008, zero; 2009, zero; 2010 zero. The number of children at the end of the next 10 years is going to be the same number that we have at the present time. There will be no increase in the total number of children who will be there, in contrast to the amendment of the Senator from New York and the Senator from California, which says we are going to build to make sure that if we do have something in here, and the funding for the IDEA program, we are going to see an expansion in investing in those children. We are going to make sure that all of the children who are eligible—the 10 million children—will participate in the whole range of programs.

Who wants to make the choice today about which child is going to get supplementary services and which will not, or which will get a summer school program and which will not, or which will get the afterschool program and which one will not? What are we going to say about that? This amendment says that our Nation's priorities are clear and they should be expressed on the floor of the Senate in a bipartisan way.

Seventy percent of the Members of this body, Republican and Democrats alike, supported the idea for full funding for the title I program. We have brought about the reforms that many of the critics have stated. The real question is, are we going to be true to the concept that we are going to leave no child behind? Without this amendment, and without the resources here, we are leaving two out of three children behind, make no mistake about it.

Finally, in our elementary and secondary education bill, we effectively guarantee that every child that is eligible for the title I program in the ESEA will reach proficiency by the time this legislation expires. That is an empty promise if we are only going to fund this program to reach one out of three. We should not represent to the American people that we are committed to not leaving children behind if we are not going to back that up with the kinds of American resources that we have available at this time and which should be invested in these children. That is the way I read this amendment.

I thank the Senators for bringing this measure up. I hope it is going to get strong support because it is really a reflection of the kind of commitment that this body has for the future of our Nation and, most important, the future of the children of our country.

Mr. President, I withhold the remainder of my time. Mr. President, I suggest the absence of a quorum, with the time not to be charged.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 801, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that an amendment I send to the desk be a substitute for the amendment that has been previously stated to be a Domenici amendment. This is the Domenici amendment.

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE REGARDING AUTHORIZATIONS.

FINDINGS.—

(1) This bill currently authorizes at least \$30 billion in discretionary spending on elementary and secondary education programs in fiscal year 2002.

(2) Over the 2002-8 period, this bill authorizes more than \$300 billion for these same programs.

(3) Congress currently provides \$18.4 billion for these same programs.

It is therefore the Sense of the Senate that:

(1) The Appropriations Committee shall fund the authorizations in this bill to the maximum extent possible.

Mr. DOMENICI. Mr. President, I want to read this to everyone so there will be an understanding of where we are.

First, I did not have enough time this afternoon or I would have searched the records of legislation we passed that comes out of committees that have authorizing authority. Clearly, the committee that reported this bill that has been debated so mightily on or about May 3, with intervening time used for some other bills, is an authorizing committee. There is no authority in the committee that my good friend Senator KENNEDY chairs to appropriate money. I do not think anybody will argue with that point.

The appropriators each year appropriate money in various appropriations bills, one of which will contain the appropriated money for education.

What we have been doing in the meantime on this education bill is very typical of what we do on any new authorization bill.

People bring to the floor amendments to the authorizing bill that says we want to authorize a different program with different amounts of money covering different groups of people so that historically in the U.S. Congress, whenever authorizing legislation has been passed, it is, for the most part, substantially higher than the amount appropriated by the Appropriations Committee, which has the single and sole authority to appropriate money.

I do not believe anyone is going to stand in this Chamber today and say the education committee appropriated this money and each Senator who offered an amendment that was voted on, whether it was adopted 95-0 or by 2 votes, whatever the case may be—nobody is going to say that amendment was appropriating money, making money available to the Department of Education to do certain things.

Those amendments and the basic underlying bill create a policy or an authorizing gamut from which the appropriators fund some or all of what is in authorizing legislation.

We have set about in the Senate to adopt many amendments. I am quite certain that when the appropriations bill comes to the floor, if we want to take every one of these amendments and stand up before the Senate and say, "I want to offer this amendment to the appropriations bill because I want to add more money," I am sure it will be considered. The question is, will it be adopted? The question is, will it be automatic? I think the answer is, we do not know whether it will be adopted when it comes to appropriating, and certainly there is no question that it has not yet been appropriated.

I say in this amendment—and I think everybody who is concerned about education funding ought to vote for it—the following: This bill before us, without the remaining amendments that are still to be adopted, currently authorizes at least \$30 billion in discretionary spending for elementary and secondary education programs in fiscal year 2002—\$30 billion at least that we voted on in the bill and with the authorizing amendments.

Likewise, if you take the multiple years covered by this authorization bill, 2002 to 2008, the bill authorizes more than \$300 billion for these same programs, the ones we are currently funding in the next finding I made. Currently we are funding these programs at \$18.4 billion a year. We are almost doubling that, and then over a number of years we are more than doubling the funding that is currently being applied to these programs.

After I make these findings, I conclude very simply:

It is therefore the Sense of the Senate that: The Appropriations Committee shall fund the authorizations in this bill to the maximum extent possible.

That means that is exactly what is going to happen, and we ought to go ahead and recognize it and urge the appropriators to do this. It does not matter what we say in this bill. Unless we choose to take over the reins of appropriating and put it in this bill, it does not matter what we vote for, it matters what the appropriators give to fund this bill.

They already know that whatever the budget is, education is given the highest priority. In fact, education of a comparable nature to what I have been speaking of goes up 11.4 percent in the basic budget of the President and in the basic budget that was adopted by the Congress.

Even those numbers are not binding because the appropriators will decide out of all the priorities how much they want to take away from other programs or exceed the budget to put more of that in education. That is the prerogative of the committee with the consensus and, in some instances, perhaps a 60-vote majority being required.

The Senate and the House will decide how much of the authorizing bill that is going to be adopted either Friday or next week shall be funded by the appropriators.

I certainly do not come before the Senate saying I know which programs ought to be funded by the appropriators. I happen to be on the Appropriations Committee, but in due course they will have their own hearings, as we do all the time. This is not a rarity, to pass an authorizing bill that has much more in it than the appropriators pay for, and they are not doing anything wrong by not funding it as much as is authorized. That is the prerogative of the appropriators.

In simple language, I hope everybody who is interested in maximizing the appropriation of money to the education programs, all of which are encapsulated in this bill which Senator KENNEDY has been managing since they took the majority and Senator JUDD GREGG has managed on our side—it is a very good bill, one that for the first time has some major changes. We might, in fact, look back in a few years and say that bill that was debated all those days caused us to do some things very differently than we have in the past. Who knows, if you listen to the President, if you listen to some in this Chamber who advocate these new ideas, it may very well be that we will have improved the results of our National Government's money going to States for school systems that are either run by the district or by county.

I compliment those who have participated in this bill. I voted for a number of the amendments, but certainly the truth is that the Appropriations Committee will decide how much of that they can afford under the budget they will have before them, and the Senate will decide on an appropriations bill as the matter comes up: How many more of these new programs do you want to fund in the year 2002?

I believe the Senate has adopted many provisions that will not be funded. Certainly, I am not talking about title I, but I am talking about many of the amendments, maybe even some that this Senator has offered that are part of this very large authorizing bill. But I will not be surprised if some of those I have offered and some of those others have offered will not be funded by the appropriators as we work our way through the 13 appropriations bills.

It is all right with me if Senators want to say everything else will have to be reduced and changed because we are going to fund in appropriations every single amendment that has been offered to this bill, we will fund them in their entirety. If one wants to vote for that, that is fine. Perhaps one can vote for that, and perhaps one can vote for the Domenici amendment that says, do the maximum appropriators; do the maximum amount you can under the budget restraints you will be living under as appropriators.

Mr. SCHUMER. Will the Senator yield?

Mr. DOMENICI. I am happy to yield.

Mr. SCHUMER. I thank the Senator for the courtesy. The Senator from California and I offered this amendment not for every time the authorization strays from the appropriation—we know it does that a lot—but for two reasons: One, we wish to make education a top priority. That is what the President has said, that is what some Members in speeches have said. Yet when we look at what has been newly authorized, it brings us to a level of \$37 billion.

What is in the budget that the then-chair of the Budget Committee proposes was \$20.1 billion, which is only \$1.7 billion higher than last year? So I ask my friend from New Mexico to give a little elaboration on what the phrase "to the maximum extent possible" means. Is only \$1.7 billion possible? We have walled off military spending in the budget the good Senator has proposed. We have a separate offset for agriculture.

The Senator from California and I fear, if left on its own, education will get no new funding or very little new funding and this debate will be for naught. I ask my colleague to elaborate, since he is our expert from that side of the aisle on the budget, what does "to the maximum extent possible" mean? How much money is left for education? Is it closer to the \$37 billion level in this authorization or to what I consider very small and not sufficient \$20 billion, a \$1.7 billion increase over last year?

I thank the Senator for yielding for that question.

Mr. DOMENICI. Let me ask the Senator if he has better numbers than I do. The bill currently authorizes at least 30. Are you suggesting that is 37? I will live with your numbers. Does the Senator think it is \$37 billion we have authorized in this bill?

Mr. SCHUMER. I say to my colleague, it is probably a little more than 37, but we added up everything we could get our hands on, and it comes to 37.

Mr. DOMENICI. Let's say it is somewhere between 30 and 37 and perhaps even between 30 and 40 is authorized in this bill.

Mr. SCHUMER. If my colleague will yield, I think that number is less important than the number that we think we will actually appropriate. That is the purpose of the amendment.

In the budget we have only appropriated an additional \$1.7 billion as opposed to \$20 billion more that is authorized. I would like to come closer to the \$20 billion than the \$1.7 billion, particularly if we want to be the "education Senate," particularly if the President wants to be the "education President."

In talking about education, pictures going to school are not going to educate our kids. It is the real dollars that do. I ask my colleague, just with his

knowledge, which far exceeds my knowledge, to give us some ballpark of what "to the maximum extent possible," might mean.

Mr. DOMENICI. First of all, I am certainly not trying to avoid that. I am very prepared to answer it. If you will relax for a minute and let me answer it, we will all have a nice afternoon.

First, let me say it may shock everyone to hear this, but frankly the Appropriations Committee will decide what that number is. In all honesty, they will decide that. But they won't decide it based on this authorization bill. They will do it based upon what they want to establish as the priorities for expenditures for fiscal year 2002.

But if the Senator wants to know what numbers were offered by the budget as it cleared the Congress—and these are not binding; these are assumptions—then I will tell you that the budget resolution assumed \$6.2 billion more than the President. So it is \$6.2 billion added to \$18.4 billion which makes it a total of \$24.6 billion that is assumed in the budget resolution as being fundable.

I am not going to stand here and say they will fund that much, nor am I going to say they will fund that little. The truth is, unless the Senate chose today to pass a statute and it got signed by the President and it said the appropriators are going to appropriate and they are hereby ordered to appropriate the amount of money contained in this bill, then there is nothing we can do about it. They are going to do what they think is right based upon the available resources and what the Senate at large decides as these appropriations come forward.

I did not come to the floor to prejudge what they would do. I came to the floor to make sure everybody understands that an authorizing bill is very different than an appropriations bill. It has been different forever. I shouldn't say forever, but essentially for about 70 years we have had both appropriations and authorizations. They really are not the same. I regret to say we have even appropriated when there is no authorization for many parts of our Government. We have not authorized for years and the appropriators pay for the function of Government anyway.

I am comfortable that this Senate and the Appropriations Committee will maximize, as I indicated, the resources they put into education. I am confident because it has been the will of this Senate over and over as we vote that we put more rather than less in education. So I think that will happen.

Having said that, I think it is pretty clear that "maximum" is a dictionary definition. It is not a number definition. It just says the most you can. Whatever you are looking at, do to the extent possible. Do the most for education. That is what I put in my resolve clause because I think, honestly, to vote for anything other than that is to deny the reality of what is going to

happen, prejudged, preordained by the rules we follow in the Senate.

I yield the floor.

Mr. SCHUMER. Mr. President, I believe the Senator from Massachusetts has yielded to me his 10 minutes. How much time remains on our side, which I believe is my time plus the time of the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator from New York has 12 minutes. The Senator from New Mexico has 4 minutes 12 seconds. The Senator from New Hampshire has 20 minutes.

Mr. SCHUMER. I ask my colleague from New Hampshire if he wants to take some of his time now since we are down on our side and the Senator from New Hampshire has the full 20 minutes, unless he desires to yield most of it back. I will take 5 minutes, and I know the Senator from California will take 5 minutes, and that is it. We are finished on our side.

Mr. GREGG. I say to the Senator from New York, that seems reasonable. I will speak for a few minutes and reserve time. I will reserve 10 minutes to balance out with that side.

We are into a numbers game obviously. I am not sure that will have a positive impact on how this bill is perceived because the essence of this bill is the policy. Authorizing bills are about policy. I think people need to understand that. Authorizing committees tend to put numbers on bills but appropriating committees spend the money.

As a member of the Appropriations Committee, I can state that as much as we admire the authorizing committees, sometimes we act independently of the authorizing committee. The key to an authorizing bill is the policy that is laid down relative to educational reform.

In this bill, there is a lot of very interesting, very significant policy, the purpose of which is to depart from a course that has regrettably produced year after year of failure in educating our low-income children, and move on a course which will hopefully give our children from low-income families a better opportunity to learn and be competitive with their peers, and therefore participate in America and the prosperity of our Nation.

The basic themes of the policy in this bill, as I have outlined a number of times, is that it is child centered. It involves giving more flexibility to local communities and the teachers and the parents and the principals. In exchange for that flexibility, it builds in a desire to see much greater academic achievement on the part of low-income kids who today, regrettably, read at two or three grade levels less than their peers and graduate at a 50-percent rate from high school. It has significant accountability standards to make sure those academic achievements are accomplished.

The policy in this bill is strong. It is unique in the sense of the tradition of Federal involvement in education in that it takes a new road to a large degree.

The authorizing levels in this bill, however, are really not that relevant to what is going to happen, in my humble opinion. The reason I say that is because it has become almost a form of gamesmanship on this floor to constantly throw more money into the number at the authorizing level. All you have to do is look at what we have done in the last few weeks to recognize that.

Over the last few weeks we have added into this budget, into this bill, literally huge increases in the authorized level. We have increased the authorization level by 47 percent in the mandatory area, adding \$112 billion. Over the term of the bill, which would be 7 years, we have added \$211 billion, for a 101-percent increase.

In the year 2000, we have increased the authorizing level by \$11 billion, bringing the total to \$38.8 billion, or a 120-percent increase. That has all been done in about a week's time, maybe a week and a half, as we picked up speed over the last few days.

We need to put that in context. This bill has been on this floor before. We have heard from the other side that we have to authorize and then we have to appropriate to the highest level possible to achieve the most significant results because money translates into achievement. Of course we know money doesn't translate into achievement. But even if we were to accept that argument, and we were to go back a few years—for example, the last time this bill was authorized, back in 1994–1995—we would find the enthusiasm for bumping up the authorizations when we had a Democratic President and a Democratic Congress was not quite so high. It could have been at that time they were dealing with reality versus politics.

At that time, when the authorizing bill came through, the ESEA authorizing bill came through, the actual increase in educational spending that resulted from it was .012 percent—.012 percent. In fact, the actual educational funding was cut in that year by \$484 million. The increase in title I specifically was less than 6 percent in that year.

You might say there was a deficit then so Congress had to be much more restrained in its activity. But I would point out that at that time the Senator from Massachusetts represented that the bill as it was passed and authorized—remember the authorization levels were essentially no increase at all—he said it was the most important reauthorization of ESEA since that landmark act was passed in 1965. So, obviously, at that time at least the chairman of the committee thought it achieved the goals it was supposed to have achieved. In fact, he went on to hail its academic accountability standards. It would achieve those levels at the levels it was authorized or else he would not have said it was such a great bill.

I do not know what has changed in 6 years, other than we have a different

President and a different Congress. Yes, we do have a surplus. But as a practical matter, if the bill was so good and strong when there was virtually no authorization increase, why today do we have to have an authorization increase which has, just in 7 days, jumped so radically? Remember when this bill came out of committee the authorization increases in it were already exceeding 100 percent of what the underlying authorized levels were when we started out. So we are talking about 100 percent on top of 100 percent.

I also note if spending on education has to be so aggressively pursued in order to accomplish the goals of better education, somebody must not have informed the prior President of that. The prior President's increases in title I spending, President Clinton's increases, were rather small—not only during the period that we had a deficit but during the period that we had the surplus, from 1998–1999. In the period of surplus, the increased proposal was \$36 million; in 1999 his increased proposal was \$219 million; in the year 2000–2001 he proposed a \$401 million increase in title I funding.

In the area of special education, he essentially proposed no increase in 1998, 1999, 1999–2000, and then in 2000–2001 he proposed an increase.

As a practical matter, President Clinton, who I believe was committed to education—in fact, when I was Governor and he was Governor we held an education conference down in Charlottesville, as I recall—was one of the leaders on the issue. I state he certainly maintained that view throughout his Presidency. He thought he could accomplish his goals on education during a period of surplus with the dollars he outlined.

What is President Bush suggesting? I think that brings us sort of into a complete circle. President Bush has suggested a very significant increase in funding. Remember, President Clinton's request was \$401 million. President Bush's funding request in this area is \$500 million. That was his request.

In negotiations leading up to bringing this bill to the floor, the President went well beyond that request and, in fact, has offered an increase in title I funding which represents a 50-percent increase in funding in 1 year.

In the special education area, President Bush has proposed the largest single increase ever proposed by a President in special education funding. President Bush has proposed a 50-percent increase, or offered a 50-percent increase in title I funding as part of the negotiations leading up to this bill. He has proposed in his budget a \$500 million increase, which is \$100 million more than President Clinton proposed, and he has proposed the single largest increase in special education funding ever proposed by a President.

It is reasonably disingenuous to take the position that this President isn't committed to education on the policy

side, and also on the spending side, to support that policy, because he has walked the walk and made the proposals to accomplish it, which brings us to the question of what is the purpose of this sense of the Senate amendment.

It is to ask the appropriating committee to fully fund authorizations which have come at us on this floor for the last 5 or 7 or 8 days—it has in actuality been 14 days since we really went on the bill in an intense way—authorizations which, as I mentioned earlier, represent in those few days an over 120-percent increase in this year's budget, a 100-percent increase in the 7-year budget representing \$211 billion, and a 47-percent increase in special education funding. I think you are going to have trouble with the appropriating committee to accomplish that. We have to be realistic.

I suppose when the defense authorizers come to the floor they might offer the same type of SOS, and they might say we want defense authorizations fully appropriated also. They would probably have a pretty good case for that because the obligation of the National Government is national defense.

Then I suspect when the health committee, which I happen to be a member of, and which this committee comes out of, comes forward with the authorization levels for NIH, for which we have significantly increased the appropriations, or for some other health activity which is very important, such as prescription drugs, or whatever the item might be, we are going to ask for full appropriations their, too.

The list goes on and on. The obligations of the Federal Government are significant.

But when you increase the authorizations on the floor of the Senate by 120 percent in 7 days on a bill that came out which had almost a 100-percent increase in it to begin with, and you increase the authorization by \$200 billion on a bill which came out with already \$235 billion in it when it hit the floor, which was a significant increase, a dramatic increase over present law, I think you are making a statement: Yes; that you want a commitment to education, but I think you are also probably acknowledging realistically that you are never going to hit those goals.

It is just not reasonable to expect that the appropriations committee is going to have that type of change sitting in its pocket to move into this area. But when the President of the United States comes forward and says he is committed to a 50-percent increase in funding for title I, that is pretty significant.

When the President of the United States comes forward and offers the biggest increase in history that a President has ever asked in special education, I think the Appropriations Committee will take that position.

In the end, I believe these accounts will receive the very significant dra-

matic increases that they deserve. In fact, it is very obvious from the President's proposal that the education accounts are going to receive the largest rate increase ever by a factor probably of 100 percent or maybe more—200 or 300 percent—of any accounts in the Federal Government. The only agency that will probably be able to compete and the only area where competition will be even close will be NIH where we are committed to doubling funding over a period of time. But I don't think even the NIH increases as a percentage are going to be anywhere near the percentage of increases we are going to see coming as a result of this President's commitment to education.

Once again, I suspect that this amendment, although well-intentioned, is going a bit beyond what reality is as far as the Congress functions because I think we all understand that the appropriating committees do not necessarily listen to authorizing committees when it comes to money. Authorizing committees define policy. That is our primary responsibility. We have done a good job of it in this bill.

Because of the President's commitment in this area, I am pretty confident that the appropriating committee will make a dramatic increase in the spending commitment to education which will allow us to accomplish policies that we hopefully are going to pass with this bill.

I reserve the balance of my time. I yield the floor.

THE PRESIDING OFFICER. The Senator from New York.

MR. SCHUMER. Mr. President, how much time does the Senator from New Hampshire have remaining?

THE PRESIDING OFFICER. The Senator from New Hampshire has 3 and a half minutes remaining.

MR. SCHUMER. I have 12 minutes.

THE PRESIDING OFFICER. That is correct.

MR. SCHUMER. I yield 4 minutes to the Senator from California.

THE PRESIDING OFFICER. The Senator from California.

MRS. BOXER. Mr. President, I think this is really where the rubber meets the road. Are we serious about the work we have accomplished? I went over this in great detail. I don't know if the Chair can read this from his seat. I have listed all the bipartisan programs that we have added to this bill, beautiful programs such as IDEA, increasing funding, teacher quality, some of these my colleague worked very hard on himself, mental health programs, these were all added in a bipartisan fashion. It adds up here to \$10 billion more than is in the Bush budget. We know that we even have done more.

The Schumer-Boxer amendment is important because what we say is all of this hard work, all of this coming together, all of this bipartisanship, all of this work for the children of America should be funded. Very simply put, that is exactly what Senator SCHUMER and I are doing in this amendment. It is a sense of the Senate.

What is the argument that the Senator from New Mexico, Mr. DOMENICI, has lodged against the Schumer-Boxer amendment? First he looked at the Senator from New York, and I guess the Senator will remember, and he said: I hope the Senator from New York will relax and we will all have a happy afternoon. Then he went on to say: It is impossible to fund this. That is not a happy afternoon for any of us who care about kids. But I also want to say to my friend from New York, do not relax until every child in New York, every child in New Jersey, every child in California, every child in Mississippi, Louisiana and every other State has a good quality public education.

I hope you will not listen to that advice. I hope you will stay focused, as you always do, on these issues and keep giving us these kinds of amendments so we make sure we mean what we say and we say what we mean.

The Senator from New Mexico said some other things too. He said to the Senator from New York and to the Senator from California: You can't tell the Appropriations Committee what to do. That is ridiculous. And in your amendment you are saying, fund these programs to the extent of the authorization. We are not telling them what to do. We are passing a sense of the Senate.

One, we are not telling them what to do. We are asking them to consider the sense of the Senate that these programs should be fully funded.

I want to make another point and I wish the Senator from New Mexico was on the floor. His comments were really disingenuous. He was chairman of the Budget Committee when the Budget Committee came out with the budget. Do you know what he did? My friend from New York knows it well. He not only set the size of the tax cut, which the Finance Committee has jurisdiction over, but he also made that whole debate filibuster-proof. Did he tell us what to do? Oh, yes, he did. Did he also make sure that agriculture spending would be protected? He sure did. Do you know that the chairman of the Budget Committee had the authority to decide the increases in agriculture, not the Appropriations Committee, and do you know that the chairman of the Budget Committee—it is no longer Senator DOMENICI; it is now Senator CONRAD, a sort of twist of fate—said that the chairman of the Budget Committee is now going to decide how much we are going to spend on the military. So when the Senator from New Mexico chastises the Senator from New York and the Senator from California and says—

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

Mr. SCHUMER. I yield the Senator from California one additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mrs. BOXER. Mr. President, when the Senator from New Mexico tells

these two Senators—who have a simple sense of the Senate that we agree only carries moral authority, doesn't tell them exactly what to do—we are overstepping our bounds, I have to say that is amazing to me because that is coming from my friend—I served with him on the Budget Committee for many years—who actually gave power to the chairmen of the committees to say what the appropriate level should be for military spending and agriculture spending. I do not see it.

You will note, that committee did not stand up for education. They said we could have a piece of the extra \$6 billion that may be lying around. All we are saying is, give education a chance to be fully funded.

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

Mrs. BOXER. I hope my colleagues will support the Schumer amendment.

I thank my colleague from New York.

Mr. SCHUMER. Mr. President, I yield 4 minutes to my friend and colleague, our leader on education, the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Chair tell me when there are 30 seconds remaining?

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, what this debate is really about is whether we, as a body, are going to be satisfied with the budget that has been proposed by the President and the Republicans that gives a \$1 billion increase in IDEA and a \$700 million increase for the title I program, or whether we are going to try to fund ESEA, the title I program, for the full funding, whether we are going to fund ESEA the way bipartisan votes over the last 3 days have indicated is the desire of this body.

I hear a great deal about the budget, but the budget isn't law. Do we understand that? The budget isn't law. In this body, we have the ability and the power—if we believe in something—to pass legislation that is going to fund the programs the way they should be funded. That is what this battle is about.

With all respect to my good friend from New Mexico, his proposal is a cop-out. It says: As much as possible. We know what is possible. He was the chairman of the Budget Committee. They are going to follow the Budget Committee, and that is going to be peanuts for educating the children of this country. You cannot educate children with a tin cup. You cannot do it on the cheap. You have to invest in them.

That is what the Schumer amendment is all about. That is why, if we believe that education is important, and that we want to reach all of the children—not just a third—if you want to reach just a third in fiscal year 2008, you vote with Senator DOMENICI. That is exactly what you are going to do. But don't make any more speeches

about “we are not going to leave any child behind.” Put those speeches away. Put those speeches away forever. That is what this vote is about.

We have the opportunity of funding it so no child is left behind. It is as simple as that. One is just a cop-out. The other is a reaffirmation and statement of what has happened in the Senate Chamber over the period of these past weeks. And it is a statement and a comment that we are going to commit ourselves to work every single day for the remaining time of this session, and during the appropriations battles, and after that every single time, to invest in the children and the future of this Nation. That is what the Schumer amendment is all about. That is why it should be supported.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I yield myself the remaining 3 minutes.

The PRESIDING OFFICER. Almost 4 minutes.

Mr. SCHUMER. Mr. President, first, I thank the Senator from Massachusetts. One day, if I am here a long time, I might be able to reach 10 percent of his eloquence. And I would be happy with that. He sums it up just perfectly.

Let me say, first, in reference to my good friend from New Mexico, he says the budget does not have room to appropriate all that is authorized. In the budget he put together, they walled off military spending, they walled off transportation spending, they walled off agriculture spending. They said they are going to get what they need.

What is really wounding to those of us who believe so much in education is not simply that education was not walled off but the doublespeak that is going on in this Capitol.

The President did not campaign as the military President. He did not campaign as the agriculture President. He is not busy taking pictures with big trucks as the transportation President. He campaigned as the education President.

Then they hand up a budget whose increase in actual spending is miserly. To say this is doublespeak is kind. This is why the American people despise Washington, because there are all the photo opportunities and all the slogans, and then when it comes to actually putting the money on the table to help keep our country No. 1—by educating it—we come up with 100 excuses.

Where are the excuses for the military? Where are the excuses for agriculture? Where are the excuses for transportation? This is just not right. This is just not fair.

We spent 2 weeks debating education in a bipartisan way. We talked about how we are coming together. And then we find that the amount of money the budget will allow is a \$1.7 billion increase. That is what the President proposed? Less than President Clinton, much less than President Clinton's increase in the previous 3 years when we had a surplus.

If you don't want to fund education, don't say you are the "education President." If you don't want to fund education, don't say you are the "education Senate." Don't talk about leaving no child behind when you are leaving 80 percent of the children behind with this budget.

Is this amendment that the Senator from California and I have put together a foolproof amendment? Is it foolproof? No. It is a sense of the Senate. It is saying: Let's live up to our promises, our promises not to ourselves but our promises to the children of America and the people of America who we said we were going to help.

This amendment simply says: Put your money where your mouth is. Don't give a lot of speeches, don't do a lot of photo opportunities unless you spend it. We know they can do it if they want. The Domenici amendment, which says "do as much as possible," is the most elastic check I have ever seen. No one will cash it.

So, my colleagues, I urge a "no" vote on the Domenici amendment, which will not provide the necessary funding for our kids, and a "yes" vote on the Schumer-Boxer amendment.

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

The Senator from New Hampshire has 3½ minutes remaining.

Mr. GREGG. Is that all the time remaining on either side?

The PRESIDING OFFICER. That is all the time remaining.

Mr. GREGG. Mr. President, I appreciate the energy of the Senator from New York, but I cannot agree with his position. The fact is, we finally have a President who is focused on education, who is focused on the fact that we, as a nation, and as a federal government, have totally failed in our responsibility to low-income children. We have spent over \$120 billion of taxpayers' money, and we have still left the low-income child behind in America.

We finally have a President who has said: No longer are we going to tolerate this. We are not going to tolerate taking taxpayers' money and allegedly using it to benefit the low-income child, and finding out that generation after generation of low-income children have not been able to realize the American dream because they have not been able to get an education. We have a President who has finally stood up for the low-income child and his or her right to receive a decent education in our country.

We brought a bill to this Chamber. It isn't exactly what I wanted, I know it isn't exactly what the other side wanted, but it has, as its essence, the elements that will bring about some significant changes in the way we deliver education in this country, especially on behalf of low-income children. And, more importantly—or equally as important—the President has said: I am going to support that policy with dollars. He has put on the table more dollars than the prior President ever put

on the table, by a factor, in the area of title I, of about, by my calculations, 10. In the area of special ed, he has proposed the single largest increase ever proposed by a President.

The simple fact is, this President has backed up his commitment to education with a commitment of dollars. What we have seen on the floor for the last 12 days is a lot of Members who want to put out a press release saying they have increased it even more. And so they know when we are using authorization money, that we are using funny money to some degree. The real money comes out of the Appropriations Committee. We know that when the Appropriations Committee meets, it is going to make its decisions no matter what the authorization committee says because that is the way it has worked around here since time immemorial, or at least in this century.

As a practical matter, what we can do that is constructive is pass a good bill that has good policy and also make it clear to the Appropriations Committee that we expect them to fund education to the fullest extent possible, which is what the Domenici amendment requests and what is reasonable.

We have somebody backing us up on this, and that is the President, who has already said that the number proposed in the budget is something he is going to exceed, again by a factor of potentially 10, or somewhere in that range, in the area of title I.

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

The Senator from New Mexico had an additional 4 minutes.

Mr. GREGG. The Senator from New Mexico has yielded his time to me, so I claim the Senator's time.

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

Mr. GREGG. I yield back the time and ask for the yeas and nays on the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the Schumer-Boxer amendment as well.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Domenici amendment No. 801, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—49

Allard	Fitzgerald	Murkowski
Allen	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Miller	

NAYS—50

Akaka	Dorgan	Lieberman
Baucus	Dubin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Rockefeller
Carnahan	Jeffords	Sarbanes
Carper	Johnson	Schumer
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Conrad	Kohl	Voinovich
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	

NOT VOTING—1

Dodd

The amendment (No. 801), as modified, was rejected.

Mr. HARKIN. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 800

The PRESIDING OFFICER. Under the previous order, 4 minutes is evenly divided between the Senators from New York and the Senator from New Hampshire.

Mr. SCHUMER. Mr. President, I assume I have 2 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I yield 1 minute to my colleague on this amendment, the Senator from California.

Mrs. BOXER. Mr. President, we have been working for 7 or 8 weeks on this bill. What is wonderful about it is we have worked on it under the Republican leadership and now under the Democratic leadership. What we have done is quite extraordinary. We have truly made education a priority in this Nation.

This chart lists all of the good things we have added to this bill over and above the Bush budget. Members from both sides of the aisle have added these amendments, whether afterschool, IDEA, title I, teacher quality. I don't even have time to go through the whole list in a minute.

In our amendment, the Schumer-Boxer amendment, we are saying we should fund this bill. We should fund these programs. We should lift these kids up and deliver on the rhetoric and the promises we have made.

It is a very simple amendment. I urge the support of Members.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is simple. It says we ought to do what we say we are going to do. We have made and the President has made education a hallmark of this election campaign and this new Congress, beginning in Washington. It would be the cruelest of broken promises to have a debate for weeks and then not actually appropriate the money we say we are going to appropriate.

The present budget resolution cannot do it. It has a paltry \$1.7 billion increase, not enough to even do one-quarter of what we say we are going to do on title I, let alone all the other priorities.

If Members want to put their money where their mouth is, if Members want to give the people in America faith in the system, that we do not just debate things but we do things, Members will vote for this amendment that says it is the sense of the Senate that we ought to appropriate what we are authorizing. This is for the kids of America. I urge a bipartisan vote for it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I yield such time as he may consume to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, it has been the history of the Senate that we authorize legislation and we appropriate or pay for legislation that has been adopted. In this case, this sense-of-the-Senate resolution stands that on its head and says, whatever it is we voted on to be authorized, we shall fund. The appropriators shall pay for it.

Now, historically we always authorize more than we can afford. We are doing the same thing in this bill. As a matter of fact, if that sense of the Senate were adopted, we would increase education 100 percent in the first year—not 10, not 20, not 30, but 100 percent. Over the next 7 years, we would increase it by \$300 billion. This has nothing to do with the President's commitments. It has to do with the Senate taking a typical authorization bill and adding all kinds of nice, good, wholesome, wonderful amendments that we are not going to pay for because we don't have the money. The appropriators will pay for what they can afford. We cannot tell the appropriators in advance; they have a myriad of programs to look at in terms of priorities, and we would be telling them it is the sense of the majority of Members saying: Appropriators, you will; you shall; there is no escape; you will pay for every amendment that has been adopted as if it were appropriated.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. Indeed, I am pleased to.

Mr. BYRD. Mr. President, while I support many of the provisions in this

bill, and I support increased Federal aid for education, I think this amendment is premature. I did not vote for the previous amendment upon which the Senate just acted. At this time, appropriators have no idea what the conference report on this bill will resemble. We have no idea what the final dollar amount for this bill will be. We may not know that final amount for several weeks. It would be misleading to commit to any particular dollar figure before we see where the conference report on this bill shows us to be. To do otherwise is to ask the Appropriations Committee to buy a pig in a poke.

I will not support this amendment. I did not support the previous amendment.

To jump in now and to commit to an unknown funding level, I think, as an appropriator, is irresponsible. As an appropriator, I cannot do that. I will not do that. And if this continues, we will see more and more of these amendments that try to put the Senate on record and committing the Appropriations Committee to bind itself to a money figure before we really know all the facts.

Resources are scarce this year and we will have to stretch and strain to meet this Nation's needs. Premature commitments will only make the difficult job of appropriating more difficult. To use an old West Virginia expression: I'll roll up my britches when I get to the creek. We will do the best we can when we have more information.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 800. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—49

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

NAYS—50

Allard	Chafee	Frist
Allen	Cochran	Gramm
Bennett	Craig	Grassley
Bond	Crapo	Gregg
Brownback	DeWine	Hagel
Bunning	Domenici	Hatch
Burns	Ensign	Helms
Byrd	Enzi	Hutchinson
Campbell	Fitzgerald	Hutchison

Inhofe	Murkowski	Specter
Kohl	Nickles	Stevens
Kyl	Roberts	Thomas
Lott	Santorum	Thompson
Lugar	Sessions	Thurmond
McCain	Shelby	Voinovich
McConnell	Smith (NH)	Warner
Miller	Smith (OR)	

NOT VOTING—1

Dodd

The amendment (No. 800) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, as I understand, if there is going to be a little lull in the routine right now, I thought I would take advantage of this opportunity to advise the Senate that, at my request, the managers' amendment, No. 585, to this bill includes a new provision in the Early Reading First Program. The Early Reading First Program is designed to improve the language and early literacy development of children ages 3 through 5. Reading, as we all know, is the most important and fundamental skill for children to learn.

This new provision in the bill will allow the use of Federal funds and authorize the appropriation of funds for dissemination of a reading readiness screening tool that is based on top quality research for children in this age group.

The National Council on Learning Disabilities has developed such a tool which is based on the report and research that was reviewed by the National Reading Panel.

To acquaint the Senate with the work that has been done in this area, the National Reading Panel was created at our suggestion as a result of legislation that was introduced back in 1997. Subsequently, the report accompanying the Fiscal Year 1998 Labor-HHS and Related Agencies Appropriations Act called on the National Institute of Child Health and Human Development and the Department of Education to form a panel to evaluate existing research on the teaching of reading to children, to identify proven methodologies, and suggest ways for dissemination of this information to teachers, parents, universities, and others.

As a result of that initiative and the work that was done, there has been published one example of this initiative. It is prepared by the National Center for Learning Disabilities.

With this legislation that is identified by me in this amendment in the managers' package, this is the kind of material that will be disseminated with the use of Federal funds to schools, to universities, to departments of education at universities, and others who are interested in the latest and best information about how to teach young children who have reading difficulties, and new techniques for teaching those who will acquire developmental skills at a faster rate and more efficiently, to equip them to be successful in the early grades of school.

So I bring this to the attention of the Senate to let everyone know that there has been, over time, a very successful effort, first by the research institutes at the National Institutes of Health, to do some fundamental research into why children have difficulties learning to read, and things that can be done to help overcome those difficulties.

That research has now been used by the Department of Education because of legislation we adopted in the past, and now we have come to the point where there are some specific programs and practices that are being recommended throughout the country as a result of the work of the National Reading Panel whom we charged with the job of translating those research findings into teaching practices and techniques.

What this research has told us—just as an example—is that 75 percent of children with reading difficulties who are not identified by the time they reach age 9 will still have poor reading skills at the end of high school; 80 to 90 percent of children identified with learning disabilities have their primary deficits in reading and language-based processes; research provides reliable ways to determine whether children as young as age 4 are developing the fundamental skills necessary to learn to read; and last, early identification and effective, early intervention can dramatically reduce the numbers of students failing in reading.

Back in April of last year, the panel submitted its report to Congress at a hearing of our Senate Appropriations subcommittee chaired by Senator SPECTER of Pennsylvania. Some of the most important research that I hoped could be made available to teachers and parents is the information about the skills young children need to have in order to be ready to read and, beyond that, how to help them attain those skills. This dissemination of a user-friendly predictor of reading readiness will ensure that more children arrive at school with the skills they need, and early identification of those children who need extra help will be possible.

This amendment will finally ensure that parents and teachers have available the first tool they need to begin the important steps to learning to read.

The Department of Education's monthly publication "Community Up-

date" for April 2001 features an article by Dr. Reid Lyon, chief of the Child Development and Behavior Branch at the National Institute of Child Health and Human Development. He says in the article:

Today's teachers have a number of resources that can help them discriminate between research that can be trusted and research that cannot be. One such resource is The Report of the National Reading Panel.

Mr. President, I ask unanimous consent that a copy of Dr. Reid Lyon's article be printed in the RECORD.

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

SOLID RESEARCH, SOLID TEACHING

(By G. Reid Lyon)

Teachers frequently tell me that they see little value in basing their teaching practices on the results of "educational research." They point out that the research reports are difficult to understand, frequently do not apply to the specific children they are teaching, and often reflect "turf battles" between academics espousing different research philosophies.

I know firsthand the devastating effect that poor quality research has on teaching practices and the trust teachers have in educational research. As a brand new third-grade teacher in the mid-1970s, I was responsible for teaching 28 students of varying abilities and backgrounds. Unfortunately, many of my students had not yet learned basic reading skills and were clearly floundering in almost every aspect of their academic work.

However, the university courses that I had taken to become certified as an elementary school teacher led me to believe these youngsters would learn to read when they were ready. Likewise, my school's reading curriculum was based on the assumption that learning to read was a natural process, similar to learning to listen and speak. Thus children did not need to be taught basic reading skills in a systematic or direct manner.

At the beginning of the year, a third of my students read so slowly and inaccurately that they could not comprehend what they read. Their spelling was also nothing to write home about. Unfortunately, by the end of the year, these same students continued to read slowly and inaccurately. The only change I could discern was that their motivation to read had waned—they would actually avoid reading—and their self-esteem had suffered considerably. Likewise, I felt like a failure as a teacher.

It wasn't until later in my research career that I learned that the way I was trained to teach reading, and the way that the reading series recommended that literacy concepts should be taught, were based upon research that was questionable at best. Indeed, I came to learn later that the assumptions upon which the instructional philosophy and methods rested had never been adequately tested through well-designed studies.

Today's teachers have a number of resources that can help them discriminate between research that can be trusted and research that cannot be. Now, when almost every reading program and set of instructional materials are said to be "research-based," teachers need to know that many of these products are based upon beliefs and dogma rather than on scientific data.

One such resource is The Report of the National Panel—An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading

Instruction, available free by request at www.nationalreadingpanel.org. The report is published jointly by the National Institute of Child Health and Human Development, the U.S. Department of Education, and the National Institute for Literacy (NIFL). NIFL, a government agency that disseminates evidence-based information on reading, is also developing information and tools specifically for teachers.

All teachers want to do the best for their students. When our children learn, everyone wins. Solid, research-based approaches can help children do just that!

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

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 516, AS FURTHER MODIFIED

Mrs. CLINTON. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 516, as modified, and ask that it be further modified with the language I send to the desk.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendment is so modified.

The amendment, as further modified, is as follows:

On page 586, between lines 18 and 19, insert the following:

SEC. ____ STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF DILAPIDATED OR ENVIRONMENTALLY UNHEALTHY PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN AND THE HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART E—MISCELLANEOUS PROVISIONS

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF DILAPIDATED OR ENVIRONMENTALLY UNHEALTHY PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

"(a) STUDY AUTHORIZED.—The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall conduct a study on the health and learning impacts of dilapidated or environmentally unhealthy public school buildings on children that have attended or are attending such schools.

"(b) STUDY SPECIFICATIONS.—The following information shall be included in the study conducted under subsection (a):

"(1) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include school buildings that—

"(A) have been built on contaminated property;

"(B) have poor in-door air quality;

"(C) have high occurrences of mold;

"(D) have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, infestations of rodents, insects, or other animals that may carry or cause disease;

"(E) have dust or debris from crumbling structures or construction efforts; and

"(F) have been subjected to use of pesticides, insecticides, chemicals, or cleaners,

lead-based paint, or asbestos or have radon or other hazardous substances prohibited by Federal or State Codes.

“(2) The health and learning impacts of dilapidated or environmentally unhealthy public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidence of injury, infectious disease, or chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

“(3) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State codes to achieve healthy and safe school environments, how to improve the overall monitoring of public school building health, and a cost estimate of bringing all public schools up to such standards.

“(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the health and learning impacts on students that attend dilapidated or environmentally unhealthy public schools, including recommendations for obtaining such information.

“(5) The capacity (such as the district bonded indebtedness or the indebtedness authorized by the district electorate and payable from the general property taxes levied by the district) of public schools that are dilapidated or environmentally unhealthy to provide additional funds to meet some or all of the school's renovation, repair, or construction needs.

“(6) The degree to which funds expended by public schools to implement improvements or to address the conditions examined under this study are, or have been, appropriately managed by the legally responsible entities.

“(c) STUDY COMPLETION.—The study under subsection (a) shall be completed by the earlier of—

“(1) not later than 18 months after the date of enactment of this Act; or

“(2) not later than December 31, 2002.

“(d) PUBLIC DISSEMINATION.—The Secretary shall make the study under this section available for public consumption through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department of Education.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a).

“SEC. 4502. HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

“(a) SHORT TITLE.—This section may be cited as the ‘Healthy and High Performance Schools Act of 2001’.

“(b) PURPOSE.—It is the purpose of this section to assist local educational agencies in the production of high performance elementary school and secondary school buildings that are energy-efficient and environmentally healthy.

“(c) PROGRAM ESTABLISHMENT AND ADMINISTRATION.—

“(1) PROGRAM.—There is established in the Department of Education the High Performance Schools Program (in this section referred to as the ‘Program’).

“(2) GRANTS.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may, through the Program, award grants to State educational agencies to permit such State educational agencies to carry out paragraph (3).

“(3) STATE USE OF FUNDS.—

“(A) SUBGRANTS.—

“(i) IN GENERAL.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(A) to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in paragraph (4).

“(ii) LIMITATION.—A State educational agency shall award subgrants under clause (i) to the neediest local educational agencies as determined by the state and that have made a commitment to use the subgrant funds to develop healthy, high performance school buildings in accordance with the plan developed and approved pursuant to clause (iii)(I).

“(iii) IMPLEMENTATION.—

“(I) PLANS.—A State educational agency shall award subgrants under subparagraph (A) only to local educational agencies that, in consultation with the State educational agency and State offices with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which such subgrants are made.

“(II) SUPPLEMENTING GRANT FUNDS.—The State educational agency shall encourage qualifying local educational agencies to supplement their subgrant funds with funds from other sources in the implementation of their plans.

“(B) ADMINISTRATION.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(B)—

“(i) to evaluate compliance by local educational agencies with the requirements of this section;

“(ii) to distribute information and materials on healthy, high performance school buildings for both new and existing facilities;

“(iii) to organize and conduct programs for school board members, school district personnel, and others to disseminate information on healthy, high performance school buildings;

“(iv) to obtain technical services and assistance in planning and designing healthy, high performance school buildings; and

“(v) to collect and monitor information pertaining to the healthy, high performance school building projects funded under this section.

“(4) LOCAL USE OF FUNDS.—

“(A) IN GENERAL.—A subgrant received by a local educational agency under paragraph (3)(A) shall be used for renovation projects that—

“(i) achieve energy-efficiency performance that reduces energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results; and

“(ii) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

“(B) EXISTING BUILDINGS.—A local educational agency receiving a subgrant under paragraph (3)(A) for renovation of existing school buildings shall use such subgrant funds—

“(i) to achieve energy efficiency performance that reduces energy use below the school's baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline

“(ii) and to help bring schools into compliance with Federal and State health and safety standards.

“(d) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—A State receiving a grant under this section shall use—

“(A) not less than 70 percent of such grant funds to carry out subsection (c)(3)(A); and

“(B) not less than 15 percent of such grant funds to carry out subsection (c)(3)(B).

“(2) RESERVATION.—The Secretary may reserve up to 1% per year from amounts appropriated under subsection (f) to assist State educational agencies in coordinating and implementing the Program.

“(e) REPORT TO CONGRESS.—

“(1) IN GENERAL.—The Secretary shall conduct a biennial review of State actions implementing this section, and shall report to Congress on the results of such reviews.

“(2) REVIEWS.—In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by State educational agencies in establishing eligibility of local educational agencies for subgrants under this section, and may assess other aspects of the Program to determine whether the aspects have been effectively implemented.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) \$50,000,000 for fiscal year 2002; and

“(2) such sums as may be necessary for each of fiscal years 2003 through 2011.

“(g) DEFINITIONS.—In this section:

“(1) HEALTHY, HIGH PERFORMANCE SCHOOL BUILDING.—The term ‘healthy, high performance school building’ means a school building which, in its design, construction, operation, and maintenance, maximizes use of renewable energy and energy-efficient practices, is cost-effective, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, and protects and conserves water.

“(2) RENEWABLE ENERGY.—The term ‘renewable energy’ means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.”

(f) LIMITATIONS.—No funds received under this section may be used for—

(1) payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this Act;

(2) the construction of new school facilities;

(3) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

Mrs. CLINTON. Mr. President, last week I offered this amendment to address two critical concerns faced by our schools that often do not rise to the forefront of our education debate but frequently have a direct impact on how well our children can learn and how much it costs to run the average school in our country.

The first issue is ensuring that our children attend schools that are environmentally sound in order to protect their health and well-being.

The second issue is helping schools save money on their energy bills by providing them with resources to become more energy efficient. Our schools can then reinvest those energy savings where they belong, into educational resources such as books or computers or more training for teachers, which can really make a difference in the lives of children.

I understand that since the time I offered this amendment, there has been some concerns that the amendment

might help to fund new school construction or renovation projects. Let me be very clear that while I do support a Federal role in school modernization, construction, and renovation, this amendment is not intended to address the unmet needs of our Nation's schools when it comes to construction and renovation.

I have offered this amendment because I am very concerned that we simply do not have a comprehensive understanding of the problems children face who attend environmentally unhealthy or dilapidated schools. There are no nationwide statistics or in-depth research to help us know and understand the extent of the problems in our schools.

While the majority in this body may not agree that the Federal Government should have a role in helping States and localities construct and renovate public schools, I do strongly believe—and believe there should be broad support for the proposition—that we must understand better the health and educational impacts children may face if they attend schools that have environmentally unhealthy conditions, or that the deterioration of the schools are such that it affects a child's health.

Every day, in old or poorly maintained school buildings around the country, students of all ages sit in classrooms where they are forced to breathe in stale air or even mold spores that make them sick and could have long-term debilitating effects on their abilities to learn.

We know from a 1996 GAO study that 15,000 schools in our country have indoor pollution or ventilation problems affecting over 11 million children and that, furthermore, as many as 25 million children nationwide are attending schools with at least one unsatisfactory environmental condition. But we often have no idea whatsoever what effects these so-called "sick" schools have on the students who attend them.

At least once a week I read stories in the press such as the one I found in the New York Post this morning. The Post reported that while doing work on subway stations in the Bronx, transit crews chipped lead paint into the air, with no protection to catch that paint, which then fell into the yard of a public school filled with students from kindergarten through to the seventh grade.

I also know the Presiding Officer is deeply concerned about something we recently learned, which is that playground equipment is sometimes treated with arsenic and that arsenic-treated playground equipment is then put into the playgrounds of our schools. The Presiding Officer has been a leader in trying to end this terrible practice so that we protect our children who, based on my experience—being one once a very long time ago, but having raised my own and going to many playgrounds—children do the strangest things. They roll on the ground. They put the dirt in their mouths. They bite the playground equipment. You never

know what a child may do. That is my point. We have to be sure the environment in which our children attend school and the playgrounds on which they play are not causing them harm.

In that 1996 GAO study, we found that two-thirds of the schools that were investigated were not in compliance with requirements to remove or correct hazardous substances, including asbestos, lead, underground storage tanks, and radon.

Experts believe that exposures during the early years, when children are developing, can have severe long-term effects. Even more alarming, a recent study indicates that children exposed to levels of lead now considered safe may be at risk of lead poisoning from peeling paint.

Listen to this new research conducted by the Children's Hospital Medical Center of Cincinnati, OH, showing that children who have less than 10 micrograms of lead per deciliter of blood experience a decline in their IQs. There was an average of a 5.5-percent drop in a child's IQ for every 10-microgram increase in lead. Children in this study experienced hearing loss, speech delay, balance difficulties, and even tendencies toward acting out and violent behavior.

I am also concerned that we are facing a soaring rate of asthma across the country. The epicenter is in New York City and California, but it affects every State in the Union. The indoor air quality of our schools must be examined to find out whether or not it is contributing to this skyrocketing rate of asthma, which is the leading cause of school absenteeism.

These bits and pieces of research, only a few of which I have shared in these remarks, paint a picture of a problem that we must learn more about. Groups around the country have done a great job bringing this to our attention.

I, again, applaud the Healthy Schools Network in Albany, NY, for all the tremendous work it has done to document this problem in New York State. Since I introduced this amendment, I have been pleased to receive the endorsement of the American Lung Association, the Asthma and Allergy Foundation of America, the American Public Health Association, the Institute of Children's Environmental Health, the Massachusetts Healthy Schools Network, the New York City Board of Education, the Parent Teacher Association, the American Federation of Teachers, and the Children's Environmental Health Network.

The American Public Health Association recently passed a resolution calling for further research on the extent and impact of children's environmental health and safety risks and exposures at school and prevention measures, including research sponsored by the U.S. Department of Education. This amendment would authorize \$2 million for a study conducted by the Department of Education, in conjunction with the

Centers for Disease Control and the Environmental Protection Agency, to evaluate the health and learning impacts of environmentally unhealthy and dilapidated public school buildings, the impacts on children who have attended or are attending such schools. We would ask the researchers specifically to determine the characteristics of our public elementary and secondary school buildings that contribute to any unhealthy environment.

In addition to this study, I have also called for resources to help our States and local school districts make their schools healthier and more energy efficient. I am very pleased I was able to work closely with Senator MURKOWSKI to align my amendment with a concept he had included in his comprehensive energy bill to help our schools become more energy efficient.

Both the chair of the Energy Committee, Senator BINGAMAN, and the ranking minority member, Senator MURKOWSKI, have offered their support for this amendment. They recognize the importance of helping our schools become more energy efficient and being able to increase our energy supply while paying for the cost of energy.

The U.S. Department of Energy estimates that schools could save 25 to 30 percent of the money they spend on energy. That is about \$1.5 billion. And they could achieve this through better building design, using energy-efficient and renewable energy technologies, and improving operations and maintenance.

About 2 weeks ago, I went to Kingston, NY. I visited a school district that is ahead of the curve, which got a grant to do exactly what the grants in this amendment would provide. They have already saved—in this rather small school district—\$400,000. Because of that, I put out this brochure, "Smart Schools Save Energy." It is to promote energy efficiency in New York State schools. We have distributed it to every single superintendent in New York.

It talks about what can be done to save energy costs. The catch is, as superintendents have told me, there is no money in their current budgets to do this. It is kind of a catch-22 problem. If they could save the money from energy use, then they would have the money to put into other needs, such as better teacher training and the like.

This amendment provides the grants that will help schools make their buildings healthier and more energy efficient. By incorporating provisions of legislation I recently introduced, the Healthy and High Performance Schools Act of 2001, we will be able to provide more information about the materials to be used and to help districts organize and conduct programs for school board members and personnel and to help provide compliance with Federal and State codes to make each of our schools healthier and more energy efficient.

I stress that, while these funds could not be used to construct new buildings,

they would help schools assess how they can become more energy efficient when and if they do renovate their schools, which would save money in the long run.

This is the kind of common sense help we could provide to our schools around the country. I believe we owe it to our students and certainly to the parents who send their children off to school every day to make sure there is nothing at all in any schoolroom in any school building or on any school playground that could harm their child. If we undertake this study, we will be able to give the kind of information and help that every parent and every school district needs, and we will be able to provide assistance to make sure schools are energy efficient, which will save money.

As we have talked now for weeks, trying to provide the resources to enable our children to learn is the primary goal of every single one of us here.

I would be very grateful for support for this amendment to enable this to come about as part of our overall educational reform efforts.

I ask for a vote on the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is the order of business at this time?

The PRESIDING OFFICER. The pending amendment is the Clinton amendment No. 416.

Mr. SESSIONS. Mr. President, I ask unanimous consent that we now turn to amendment No. 604, an amendment I have offered.

The PRESIDING OFFICER. Is there further debate on the Clinton amendment? The Senator from Nevada.

Mr. REID. Mr. President, we are ready for action on the Clinton amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that Senator SESSIONS now be recognized to call up amendment No. 604, as modified, and that following the reporting of the amendment

by the clerk, Senator HARKIN or his designee be recognized to offer a first-degree amendment regarding IDEA, which is at the desk; further, that there be 1 hour for debate on the amendments with 15 minutes under the control of each of the following Senators: HARKIN, SESSIONS, KENNEDY, and GREGG; further, when the Senate resumes consideration of the education bill at 9 a.m. on Thursday, there will be an additional 60 minutes for closing remarks provided as above; further, upon the use or yielding back of the time, the Senate vote in relation to the Harkin amendment, followed by 4 minutes of debate, 2 minutes on each side, and a vote in relation thereafter to the Sessions amendment.

Following that, the Senate will resume consideration of the Helms amendments Nos. 574 and 648.

The PRESIDING OFFICER (Mr. REED). Is there objection?

Mr. SESSIONS. Reserving the right to object, Mr. President, my concern would be if I may give my remarks first, before Senator HARKIN. I am concerned about that. That would be my request.

Mr. REID. That is fine.

The PRESIDING OFFICER. Does the Senator from Alabama object?

Mr. REID. Does the Senator withdraw his objection?

Mr. SESSIONS. My request was that I be allowed to speak first.

Mr. REID. Of course.

Mr. SESSIONS. I will not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, the pending amendment is laid aside, and the Senator from Alabama is recognized.

AMENDMENT NO. 604, AS MODIFIED, TO
AMENDMENT NO. 358

Mr. SESSIONS. Mr. President, I send to the desk amendment No. 604, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 604, as modified.

The amendment is as follows:

AMENDMENT NO. 604, AS MODIFIED

(Purpose: To amend the Individuals with Disabilities Education Act regarding discipline)

At the appropriate place, insert:

TITLE —INDIVIDUALS WITH DISABILITIES

SEC. 01. DISCIPLINE.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

“(n) UNIFORM POLICIES.—

“(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies regarding discipline and order applicable to all children under the jurisdiction of the agency to ensure the safety of such children and an appropriate educational atmosphere in the schools under the jurisdiction of the agency.

“(2) LIMITATION.—

“(A) IN GENERAL.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

“(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

“(C) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability.”.

SEC. 02. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 01) is amended by adding at the end the following:

“(o) DISCIPLINE DETERMINATIONS BY LOCAL AUTHORITY.—

“(1) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

“(2) DEFENSE.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

“(3) LIMITATION.—

“(A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

“(B) PLACEMENT DURING REVIEW.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.”.

SEC. 03. ALTERNATIVE EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) IN GENERAL.—At the written request of a parent (as defined in section 602(19)(A) of the Individuals with Disabilities Education Act) of a child with a disability (as defined in section 602(3) of such Act), a local educational agency in which the child resides, or a State educational agency that is responsible for educating the child, may transfer the child to any accredited school that—

(1) is specifically designed to serve children with disabilities;

(2) is selected by the child's parents;

(3) agrees to accept the child; and

(4) carries out a program that the local educational agency, or State educational agency, if appropriate, determines will benefit the child.

(b) PAYMENT TO SCHOOL; LIMITATION ON FURTHER RESPONSIBILITY.—

(1) IN GENERAL.—For each year for which a child with a disability attends a school pursuant to subsection (a), the local educational agency or State educational agency shall pay the school, from amounts available to the agency under part B of the Individuals with Disabilities Education Act, an amount equal to the per-pupil expenditure for all

children in its public elementary and secondary schools, or, in the case of a State educational agency, the average per-pupil expenditure for the State, as defined in section 3(2) of the Elementary and Secondary Education Act of 1965.

(2) **TRANSFER.**—Notwithstanding any other provision of law, a local educational agency or State educational agency that transfers a child with a disability to a school under subsection (a) shall have no other responsibility for the education of the child while the child attends that school.

(c) **USE OF FUNDS; ADDITIONAL CHARGES TO PARENTS.**—A school receiving funds under subsection (b)(1)—

(1) shall use the funds only to meet the costs of the child's attendance at the school; and

(2) may, notwithstanding any other provision of law, charge the child's parents for the costs of the child's attendance at the school that exceed the amount of those funds.

Mr. SESSIONS. Mr. President, there is a real problem in education today in kindergarten through 12th grade. Anybody who talks to teachers at any length, as I have, will realize that discipline is a key problem for teachers, principals, and administrators. It undermines the ability of learning in the classroom, and it is not a healthy environment too often. It is a real challenge today.

Children are always difficult to manage, and in today's world I think it is more so than in the past. I have been to quite a number of schools in my State over the last year—maybe as many as 20. Each time, I spent a good deal of time with teachers and principals and sometimes superintendents and board members. We talked about what is going on. I can say with absolute certainty that they told me over and over again that the biggest problem they see from the Federal Government is the discipline rules that have been set forth under the Individuals With Disabilities Education Act.

I suggest that if anybody is doubtful about that, call a schoolteacher they know and talk to them about what is being said and what is occurring within their schools. I was amazed. It is a Federal mandate. It is a law that has the best of all intentions to deal with disabled children, and I support it entirely. But there have been some unintended consequences in how children are disciplined in a classroom. We have absolutely created two classes of children for the purpose of discipline.

I have had teachers tell me: JEFF, last year in this very school a child who was a disabled child sold marijuana to two other children. The two who bought it were removed from school. The one who sold it, because he was disabled, could not be removed from school under Federal law. I have had circumstances where another teacher told me about two children who brought a gun to the parking lot. They didn't bring it into the school, but they violated the school rules, and one that was disabled was able to stay in school. The teacher said: Every time I see that other child who was removed from our classroom, I know and he

knows that another who did the very same act was not removed from the school.

In addition to that, there are extraordinary problems within the classroom. I want to share some comments and letters I received from teachers in my State. I don't believe it is different from around the country. At one of our hearings that Senator JEFFORDS chaired last year, a superintendent from Vermont came and testified that 20 percent of his school district's budget goes to IDEA students. It is a matter of great importance. We want to give them the highest possible opportunity to succeed, but we also want to be sure we aren't creating a circumstance that makes learning more difficult in the classroom than it ought to be.

Let me read to you from a special education program coordinator's letter. This person works with special ed kids. He said:

Thank you for your efforts to amend IDEA 97.

We thought that was going to help when it passed in 1997. Teachers and principals are telling me it made the situation worse. It didn't help.

The restrictions inherent in this legislation have the potential to cripple a school system beyond repair. Although my job is to advocate for students with disabilities, I also feel a responsibility to protect the rights of all children to an appropriate education.

An elementary school principal wrote:

Today, general educators at all grade levels must deal with a large number of students who are challenged. Having to deal with these behavior problems and to constantly change behavior interventions not only takes away from important instructional time, but inadvertently reinforces a disabled child's behavior. All class rules should apply to all students. Therefore, they should have the same disciplinary actions.

A middle school principal wrote:

I am a middle school principal of a great school with wonderful children. I have witnessed the evolution of IDEA and am very concerned about the impact these regulations have on public education. This issue is causing many fine teachers to reconsider their choice of professions after a few years in education.

Most of us know that most teachers who decide to give up the profession do so because of discipline problems and the frustrations of trying to maintain discipline in the classroom.

A high school principal wrote:

I am writing to support your efforts to change some of the current special education laws. The current laws are very frustrating in dealing with disruptive pupils. In order for us to maintain and provide a safe environment for all students, your provisions must be made in the law.

A city school superintendent wrote this:

In the short time since these regulations have been in effect, numerous instances have taken place involving special ed students where hardships, disruptions, and chaos have resulted from restraints placed on the administrators by the new regulations.

Another superintendent wrote:

We have written to advise you of our frustrations with trying to implement the 1997

amendments to IDEA relating to classroom discipline of disabled students. Classroom teachers must devote a significant amount of time and attention to address behaviors that interfere with the learning of students with disabilities or their required disciplinary action. Often this time and attention is to the detriment of the other students in the classroom and valuable instructional time is lost.

It is of a particular concern to me as a superintendent to know that the roles and responsibilities of both our general and special educators have been redefined to the degree that teachers and administrators cannot act immediately when the situation demands it.

Our teachers and administrators are committed to serving all children, regardless of needs, in a fair and equitable manner. If we don't teach these children right from wrong at a young age, how can they learn to act as good law-abiding citizens as adults.

Another one writes:

There have been several students with disabilities at our school who totally disrupt the learning environment of the regular classroom. They yell out, try to run away, are defiant and create havoc in the classroom. The teachers are required to spend so much time with these disruptive students that the other students are missing out on the quality instruction they need to be successful. I hope that when you consider changes in IDEA, you will not lose sight of those other students who need to be provided with quality education.

The letters go on. I will add one more:

I have dealt with several instances over the last 3 years in which special education students have disrupted classrooms and threatened administrators and teachers.

I have heard that more than once.

In many cases, their parents use psychologists and lawyers to create a climate of intimidation.

Another teacher wrote me this letter. I thought it was particularly poignant:

As a special educator of 6 years, I consider myself on the front lines of the ongoing battles that take place on a daily basis in our Nation's schools. I strongly believe that part of the ammunition that fuels these struggles are the rights guaranteed to certain individuals by IDEA 97. The law, though well-intentioned, has become one of the single greatest obstacles that educators face in their fight to provide all our children with a quality environment education delivered in a safe environment.

There are examples that I can offer firsthand. However, let me reiterate, I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology and master's degree in special education and a Ph.D. in good old common sense. Nowhere in my educational process have I been taught that a certain few disabled students should have a right to endanger the right to an education of all other disabled children. It's nonsense, it's wrong, it's dangerous, and it must be stopped.

There is no telling how many instructional hours are lost by teachers in dealing with behavioral problems. In times of an increasing competitive global society, it is no wonder that American students fall short. Certain students are allowed to remain in the classroom robbing the other children of hours that can never be replaced. There is no need to extend the school day. There is no need to extend the school year.

If the politicians would just make it possible for educators to take back the time lost

on a daily basis, there is no doubt we could have a better educated student. It is even more frustrating when it is a special education child who knows and boasts that "they can't do anything to me," and he is placed back in the classroom to disrupt it day after day, week after week.

It is clear that IDEA 97 not only undermines the educational process, it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources, our credibility is being stripped from us. I am sure you have heard the saying that teachers are scared of the principals, the principals are scared of the superintendents, the superintendents are scared of the parents, the parents are scared of the children, and the children are scared of no one. And why should they be?

I have experienced the ramifications of the new and improved law firsthand. I had one child attempt to assault me. He had been successful with two other teachers. He was suspended for 1 day. I had another child make sexual gestures to me in front of the entire class. Despite the fact that every child in my class and a majority of the children in the school knew of it, I was told by my assistant principal that nothing could be done because special-ed kids have rights.

I literally got in my car to leave that day, but my financial obligations to my family and my moral responsibility to my children I had in my class kept me there. The particular child I spoke about frequently made vulgar comments and threats to my girls in my class on every opportunity he had when there was no adult present. Fortunately, the girls, also special-ed, could talk to me about it. Unfortunately they had to put up with it because nothing could be done.

I know of a learning disabled child who cut a girl in a fight. The child and her parents then attempted to sue the school system because the child was burned when she grabbed a coffee pot to break it over another child's head.

I know of another specific incident where three children brought firearms to school. The two regular children were expelled; the special-ed student was back in school the following week.

I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in the school. As my grandmother said, right is right and wrong is wrong, and to enable this to continue is wrong.

There are other letters. I want to read one more from a student. It makes the point, I think, very well:

I am a 14-year-old 8th grader. I have a problem. There is this girl that goes to school with me, and she is an ADD student.

A disabled student.

She has been harassing me for no reason. She has pretty much done everything from breaking my glasses to telling me she is going to kill me. This really bothers me because she is an ADD student and the only punishment she ever gets is a slap on the hand. My principal says there is not much he can do because of her status. I asked, what would happen if I threatened her back? And he told me I would be suspended from school and forced to stay away. The most she has ever gotten is 3 days in-school suspension. I think this is wrong. She scares me, and I'm tired of this. It has been going on for 5 months, and it's really getting scary.

Mr. President, it is a very small percentage of disabled students who are behaving in this way, but even a few

who would do so make it very difficult for the schoolteachers and principals to conduct a safe class. It is an important issue for us. In terms of all the things we are doing here, if you talk to your teachers in your school systems, if we can make some improvement in this situation, they would feel as though Congress has listened to them and has responded.

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

Mr. SESSIONS. I ask for an additional 3 minutes.

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

Mr. SESSIONS. Mr. President, how much time did I have?

The PRESIDING OFFICER. You asked for an additional 3 minutes.

Mr. SESSIONS. Originally, when I began.

The PRESIDING OFFICER. You had 15 minutes when you began.

Mr. SESSIONS. I am sorry, I thought it was 30.

I conclude by saying this amendment I offer will say this, and this is very important. It is a very modest attempt at improving the situation. If a child is a disabled child and their misbehavior is not connected to their disability, then they can, and I think should, be treated like any other child in the school.

If a child has a nervous condition and cannot control himself, then that child ought to be placed in an environment within the school that is healthy for him, and this law would require that. They could not be removed from school if their actions or misbehavior were connected to that disability, but if they had perhaps a movement disability and they are selling dope, they ought to be treated like any other child in the school. That is what this amendment says.

No. 2, it says if a school acts on a child, that they can take them out of a mainstream classroom and place them in another classroom until a hearing has been conducted about an individual educational plan for that child so they can be provided special education. Under current law, they have to be back in the classroom at least within 45 days, and in other circumstances, less than that. They go right back in before a determination can be made. This will give more flexibility to principals and teachers.

Finally, under current law, if a school believed that a student could be sent to a school for the blind, for example, and this doesn't have anything to do with discipline, the State or local school system could pay the tuition and let that child go to the school for the blind. The trouble is, the special schools often cost a lot of money. The school system does the best they can with their own programs. My parent would expand options for these parents. If parents think others might be better, this amendment says if the school agrees and if the parents agree, they can take the value of the tuition that

child has and go to a special school that has the ability to deal with that disability.

There are some superior schools for the blind, for the deaf, perhaps better than most public schools. A lot of families sacrifice to send their children there. This funding could assist them in making that choice, to the benefit of the child. It is purely an option that, I think, is healthy and benefits disabled children. I can't imagine anyone not supporting it.

I believe this is a modest amendment that will begin to help in some way to deal with an unfortunate situation. So many of the children do so well. The vast majority of our disabled children do exceedingly well, and we have great programs.

This bill we are passing today provides unprecedented new funding for IDEA. We are excited about those possibilities, but we ought to deal with this particular problem that is disrupting our schools.

Mr. KENNEDY. Mr. President, would the Senator be good enough to help me understand the Senator's amendment? Is it the Senator's position that if the child is disciplined and the discipline is a reflection of the form of disability, does the Senator agree there should be alternative educational services available to that child?

Mr. SESSIONS. I do. In fact, to that extent, we continue a double standard for a child. The school would have the option to move the child to an alternative setting, but not remove him from the school or not deny educational services.

My amendment does that. It says if the discipline problem is a product or related to their disability then the child may not be denied educational services.

Mr. KENNEDY. If it falls under that category, you are still for providing the services, which I think is very important.

As I understood the amendment, would the services be required to be provided in a school that was just for the disabled?

Mr. SESSIONS. No.

Mr. KENNEDY. Page 4 of the amendment suggests they have alternative educational services and that may be in some other setting, some alternative setting.

Mr. SESSIONS. I say it this way: Most school systems are required under Federal law to provide educational services. If they have special needs, they have to provide them. Many children have an individual, one single individual who goes with that single child all day long to help them.

Our amendment gives one little option that, I think, would be helpful to parents or teachers. It says if the parents came in and believed a school for the blind or a school for the deaf down the street has a better program than public education, and the school agreed, and it is a certified school for that disability, they could ask for, if

the school agreed, funding to go to that other school.

Mr. KENNEDY. I know the Senator has included "is selected by the child's parents," so you have parental involvement. It is not the concern that many have, that the child might just be put in a setting which would be just for special needs children and then it would be the resegregation of disabled children. I see in this language you have "selected by the child's parents." It is designed to serve children with disabilities, and if the place agrees to accept the child and it carries out a program that a local or State educational agency finds is appropriate and will benefit the child.

The Senator can see the concern about whether that would be a dumbing down kind of a process in education. It would be a quality educational opportunity that would be suitable for that child. That is the concern. I don't know whether there are ways of addressing that.

Mr. SESSIONS. First, let me say thank you so much, and to your staff, for giving careful attention to this. Many items have been included because you have suggested them. You are asking questions that are important.

As a result of our discussions with lawyers who deal with these issues, school people, your staff and others, we made this language crystal clear. It says a local educational agency responsible for educating a child may transfer the child to an accredited school if it is selected by the child's parents and carries out the program and the school determines that program would benefit the child. In other words, both the parents and the school must agree. The parents cannot say: I want to take my money and take my child to this school. The school would have to agree. The parents would have to agree. That provides the protection from abuse that might otherwise occur.

Mr. KENNEDY. That is where the payment comes into effect because you would have to offset the expenses for that child and there would be the allocations of resources for offsetting the payment and for education for that institution; is that right?

Mr. SESSIONS. That is correct. It could not exceed the average daily expenditure cost of the child and it could be only used for the education of the child.

Mr. KENNEDY. What happens to the child with a disability who has a behavioral problem that is not related to the disability?

Mr. SESSIONS. If their discipline or behavioral problem is not related to their misbehavior, then this language will say they would be treated like any other child who misbehaves in school, subject to discipline, suspension, or other disciplinary action a school would normally impose.

I know you would like to say any child, perhaps, could have an alternative, but I am not sure we have the

funding to do that. But I don't think in this instance if their misbehavior is not connected to their disability, they should be treated preferentially to another child.

Mr. KENNEDY. What is the experience in the Senator's own State as to how school districts deal with the children? Do they provide alternative educational experiences or not?

Mr. SESSIONS. I think most schools are doing a pretty good job. As the Senator knows, the Federal Government committed to pay 40 percent of IDEA costs and never paid much more than 10 percent or 15 percent of that. This bill would fully fund that 40 percent.

But under the law—and there are groups of parents who meet, advocacy groups, and lawyers who are active in Alabama and every State—if they are emotionally disturbed children and they cannot control themselves, they cannot be removed from school as a result of that. If they are a danger to themselves or others then they can be provided services in an alternative setting, perhaps, but they cannot be denied educational services. That is the universal in the United States.

Mr. KENNEDY. I thank the Senator for his response to the questions. There are some others maybe I could talk about with the Senator in the morning. There is an alternative to the Sessions amendment. But we will look forward to the presentations in the morning. As I understand it, the Senator will have a half hour, Senator HARKIN or his designee will have a half hour to get into the description of the alternative. Then we will make a judgment.

I appreciate the response of the Senator to the questions. I thank him.

AMENDMENTS NOS. 369 AS FURTHER MODIFIED, 484 AS MODIFIED, 441 AS MODIFIED, 549 AS MODIFIED, 446 AS MODIFIED, 555 AS FURTHER MODIFIED, AND 609, EN BLOCK, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, this evening we are in a position to clear amendments by unanimous consent. I therefore ask unanimous consent it be in order for these amendments to be considered en bloc, any modifications where applicable be agreed to, the amendments be agreed to en bloc, the motions to reconsider be laid upon the table en bloc.

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

Mr. KENNEDY. These include amendments No. 369, Feinstein; No. 484, Bingaman; No. 441, Lugar-Bingaman; No. 549, Hagel; No. 446, DeWine; No. 555, Hutchison; No. 609, Feinstein. And I ask unanimous consent to vitiate the yeas and nays on No. 555.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 369, AS FURTHER MODIFIED
(Purpose: To specify the purposes for which funds provided under subpart 1 of part A of title I may be used)

On page 137, between lines 3 and 4, insert the following:

SEC. . LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6323) the following:

"SEC. 1120C. LIMITATION OF FUNDS.

"An LEA may not use funds received under this subpart for:

"(A) purchase or lease of privately owned facilities;

"(B) purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

"(C) the construction of facilities;

"(D) the acquisition of real property;

"(E) the payment of travel and attendance costs at conferences or other meetings other than travel and attendance necessary for professional development; or

"(F) the purchase or lease of vehicles."

AMENDMENT NO 484 AS MODIFIED

(Purpose: To amend education technology programs)

On page 16, line 4, insert "servers and storage devices," before "video".

On page 16, line 5, insert "and other digital" after "web-based".

On page 16, line 7, strike "environments for problem-solving" and insert "learning environments,".

On page 182, line 16, insert ", including education technology such as software and other digital curricula," after "materials".

On page 317, line 16, insert ", including through a grant or contract with a for-profit or nonprofit entity" after "activities".

On page 317, line 26, insert ", including technology literacy" after "skills".

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

"(12) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including the ability to collect, manage, and analyze data to improve teaching, decision making and school improvement efforts and accountability.

"(13) Developing or supporting programs that encourage or expand the use of technology to provide professional development, including through Internet-based distance education and peer networks.

On page 325, line 18, insert ", including through a grant or contract with a for-profit or nonprofit entity" after "activities".

On page 326, line 2, strike "and".

On page 326, line 7, strike the period and insert "; and".

On page 326, between lines 7 and 8, insert the following:

"(D) effective integration of technology into curricula and instruction to enhance the learning environment and improve student academic achievement, performance, technology literacy; and

"(E) ability to collect, manage, and analyze data, including through use of technology, to inform teaching.

On page 326, line 11, insert ", other for profit or nonprofit entities, and through distance education" after "education".

On page 344, line 5, strike "and".

On page 344, line 10, strike the period and insert "; and".

On page 344, between lines 10 and 11, insert the following:

"(5) improve and expand training of math and science teachers, including in the effective integration of technology into curricula and instruction.

On page 348, line 8, strike "and".

On page 348, line 15, strike the period and insert "; and".

On page 349, line 10, insert "and technology-based teaching methods" after "methods".

On page 349, line 19, strike "experiment oriented" and insert "innovative".

On page 356, line 21, strike the period and insert "; and to improve the ability of institutions of higher education to carry out such programs".

On page 358, line 17, insert "both" after "would".

On page 358, line 24, strike the semi colon and insert "and to improve the ability of at least 1 participating institution of higher education as described in section 2232(a)(1) to ensure such preparation".

Beginning on page 360, strike line 23 through line 7, page 361, and insert the following:

"(A) learn the full range of resources that can be accessed through the use of technology;

"(B) integrate a variety of technologies into the curricula and instruction in order to expand students' knowledge;

"(C) evaluate educational technologies and their potential for use in instruction;

"(D) help students develop their technical skills; and

"(F) use technology to collect, manage and analyze data to inform their teaching and decision-making".

On page 361, strike lines 22 through 24 and insert the following:

"(6) subject to section 2232(c)(2), acquiring technology equipment, networking capabilities, infrastructure and software and digital curriculum to carry out the project.

On page 365, line 10, insert "and teacher training in technology under section 3122" before "prior".

On page 367, line 24, strike the period and insert "and have a substantial demonstrated need for assistance in acquiring and integrating technology".

On page 369, strike line 3 through line 22, and insert the following:

"(1) outlines the long-term strategies for improving student performance, academic achievement, and technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to effectively integrate technology into the curricula and instruction;

"(2) outlines long-term strategies for financing technology education in the State to ensure all students, teachers, and classrooms will have access to technology, describes how the State will use funds provided under this part to help ensure such access, and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan;

"(3) provides assurance that financial assistance provided under this part shall supplement, not supplant, State and local funds; and

"(5) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to improve student academic achievement and student performance.

On page 370, strike line 5 through line 26, and insert the following:

"(1) acquiring, adapting, expanding, implementing and maintaining existing and new applications of technology, to support the school reform effort, improve student academic achievement, performance, and technology literacy;

"(2) providing ongoing professional development in the integration of quality edu-

cational technologies into school curriculum;

"(3) acquiring connectivity with wide area networks for purposes of accessing information, educational programming sources and professional development, particularly with institutions of higher education and public libraries;

"(4) providing educational services for adults and families;

"(5) repairing and maintaining school technology equipment;

"(6) acquiring, expanding, and implementing technology to collect, manage, and analyze data, including student achievement data, to inform teaching, decision-making, and school improvement efforts, including the training of teachers and administrators; and

"(7) using technology to promote parent and family involvement and support communications between parents, teachers, and students.

Beginning on page 371, strike line 14 through line 13, page 373, and insert the following:

"(1) a description of how the activities to be carried out by the local educational agency under this part will be based on a review of relevant research and an explanation of why the activities are expected to improve student achievement, and technology literacy;

"(2) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency improve student academic achievement, student performance, and teaching;

"(3) a description of the type of technologies to be acquired, including services, software, and digital curricula, including specific provisions for interoperability among components of such technologies;

"(4) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the effective use of technology in the classroom or library media center, including a list of those entities that will partner with the local educational agency in providing ongoing sustained professional development;

"(5) the projected cost of technologies to be acquired and related expenses needed to implement the plan;

"(6) a description of how the local educational agency will coordinate the technology provided pursuant to this part with other grant funds available for technology from other Federal, State, and local sources;

"(7) a description of a process for the ongoing evaluation of how technologies acquired under this part will be integrated into the school curriculum; and will affect technology literacy and student academic achievement, performance, as related to challenging State content standards and State student performance standards in all subjects; and

"(8) a description of the evaluation plan that the local educational agency will carry out pursuant to section 2308(a).

Beginning on page 374, strike line 19 through line 2, page 375, and insert the following:

"(1) increased professional development and increased effective use of technology in educating students;

"(2) increased;

"(3) increased access to technology in the classroom, especially in low-income schools; and

"(5) other indicators reflecting increased student academic achievement or student performance, as a result of technology.

On page 375, line 13, strike "in all of the areas".

On page 379, strike line 4 through line 19, and insert the following:

"(5) EXCHANGE.—The plan shall describe the manner in which the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the conditions and practices that support effective use of technology in improving teaching and student educational opportunities, academic achievement, and technology literacy.

"(6) GOALS.—The plan shall describe the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

AMENDMENT NO. 441, AS MODIFIED

(Purpose: To provide for comprehensive school reform)

On page 34, line 8, strike "\$250,000,000" and insert "\$500,000,000".

On page 86, line 22, insert before the semi colon the following: "and may include a strategy for the implementation of a comprehensive school reform model that meets each of the components described in section 1706(a)".

On page 258, line 22, strike "and".

On page 258, line 25, strike the period and insert "; and".

On page 258, after line 25, add the following:

"(iii) 3 percent to promote quality initiatives described in section 1708."

On page 260, strike lines 5 through 9, and insert the following:

"(2) how the State educational agency will ensure that funds under this part are limited to comprehensive school reform programs that—

"(A) include each of the components described in section 1706(a);

"(B) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

"(C) are supported by technical assistance providers that have a successful track record, and the capacity to deliver high quality materials, professional development for school personnel and on-site support during the full implementation period of the reforms."

On page 260, line 15, insert "annually" before "evaluate".

On page 261, line 7, insert before the period the following: "to support comprehensive school reforms in schools that are eligible for funds under part A".

On page 261, line 11, strike "for the particular" and insert "of".

On page 261, line 12, strike "reform plan" and insert "reforms".

On page 263, line 1, strike "and".

On page 263, line 2, strike "reform model selected and used" and insert "reforms selected and used, and a copy of the State's evaluation of the implementation of comprehensive school reforms supported under this part and the student results achieved".

On page 263, strike lines 15 through 17, and insert the following:

"(2) describe the comprehensive school reforms based on scientifically-based research and effective practices that such schools will implement."

On page 264, line 1, insert "comprehensive" after "such".

On page 264, line 10, strike "innovative" and insert "proven".

On page 264, line 14, strike "schools with diverse characteristics" and insert "schools".

On page 265, line 18, strike "and".

On page 265, line 22, strike "school reform effort." and insert "comprehensive school reform effort; and".

On page 265, between lines 22 and 23, insert the following:

On page 265, line 25 strike "the approaches identified" and all that follows through "Secretary" on line 1 of page 266, and insert "nationally available".

On page 266, line 2, strike "programs" and insert "program".

On page 266, after line 23, add the following:

"SEC. 1708. QUALITY INITIATIVES.

"The Secretary, through grants or contracts, shall promote—

"(1) a public-private effort, in which funds are matched by the private sector, to assist States, local educational agencies, and schools, in making informed decisions upon approving or selecting providers of comprehensive school reform, consistent with the requirements described in section 1706(a); and

"(2) activities to foster the development of comprehensive school reform models and to provide effective capacity building for comprehensive school reform providers to expand their work in more schools, assure quality, and promote financial stability.

AMENDMENT NO. 549, AS MODIFIED

(Purpose: To provide for the awarding of school facility modernization grants on a competitive basis)

At the appropriate place, insert the following:

SEC. . SCHOOL FACILITY MODERNIZATION GRANTS.

Subsection (b) of section 8007 (20 U.S.C. 7707(b)) (as amended by section 1811 of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended to read as follows:

"(b) SCHOOL FACILITY MODERNIZATION GRANTS AUTHORIZED.—

"(1) FUNDING AND ALLOCATION.—

"(A) FUNDING.—From 60 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall award grants in accordance with this subsection to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

"(B) ALLOCATION.—From amounts made available for a fiscal year under subparagraph (A), the Secretary shall allocate—

"(i) 10 percent of such amount for grants to local educational agencies described in paragraph (2)(A);

"(ii) 45 percent of such amount for grants to local educational agencies described in paragraph (2)(B), of which, 10 percent shall be available for emergency grants that shall not be subject to the requirements of subparagraphs (A) and (B) of paragraph (4); and

"(iii) 45 percent of such amount for grants to local educational agencies described in paragraph (2)(C), of which, 10 percent shall be available for emergency grants that shall not be subject to the requirements of subparagraphs (A) and (B) of paragraph (4).

"(C) SPECIAL RULE.—A local educational agency described in clauses (ii) and (iii) of subparagraph (B) may use grant funds made available under this subsection for a school facility located on or near Federal property only if the school facility is located at a school where not less than 25 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

"(2) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this subsection only if—

"(A) such agency received assistance under section 8002(a) for the fiscal year and has an assessed value of taxable property per student in the school district that is less than

the average of the assessed value of taxable property per student in the State in which the local educational agency is located;

"(B) such agency had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

"(C) such agency had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made.

"(3) AWARD CRITERIA.—In awarding grants under this subsection, the Secretary shall review applications submitted with respect to each type of agency represented by local educational agencies that qualify under each of subparagraphs (A), (B), and (C) of paragraph (2). In evaluating an application, the Secretary shall consider the following criteria:

"(A) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

"(B) the extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

"(C) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

"(D) the need for modernization to meet—

"(i) the threat that the condition of the school facility poses to the health, safety, and well-being of students;

"(ii) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

"(iii) facility needs resulting from actions of the Federal Government.

"(E) The age of the school facility to be modernized.

"(4) OTHER AWARD PROVISIONS.—

"(A) AMOUNT.—In determining the amount of a grant awarded under this subsection; the peer group and Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

"(B) FEDERAL SHARE.—The Federal funds provided under this subsection to a local educational agency shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions, excluding land contributions, to meet the matching requirement of the preceding sentence.

"(C) MAXIMUM GRANT.—A local educational agency described in this subsection may not receive a grant under this subsection in an amount that exceeds \$5,000,000 during any 2-year period.

"(5) APPLICATIONS.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary, who shall forward such application to the appropriate peer group under paragraph (3), at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

"(A) a listing of the school facilities to be modernized including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

"(B) a description of the ownership of the property on which the current school facility

is located or on which the planned school facility will be located;

"(C) a description of how the local educational agency meets the award criteria under paragraph (3);

"(D) a description of the modernization to be supported with funds provided under this subsection;

"(E) a cost estimate of the proposed modernization; and

"(F) such other information and assurances as the Secretary may reasonably require.

"(g) EMERGENCY GRANTS.—

"(A) APPLICATIONS.—Each local educational agency applying for a grant under paragraph (1)(B)(ii) or (1)(B)(iii) that desires a grant under this subsection shall include in the application submitted under paragraph (5) a signed statement from an appropriate local official certifying that a health or safety emergency exists.

"(B) SPECIAL RULES.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies applying for a grant under paragraph (1)(B)(ii) or (1)(B)(iii).

"(C) PRIORITY.—If the Secretary receives more than one application from local educational agencies described in paragraph (1)(B)(ii) or (1)(B)(iii) for grants under this subsection for any fiscal year, the Secretary shall give priority to local educational agencies based on the severity of the emergency, as determined by the peer review group and the Secretary, and when the application was received.

"(D) CONSIDERATION FOR FOLLOWING YEAR.—

A local educational agency described in paragraph (2) that applies for a grant under this subsection for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in subparagraph (C).

"(7) GENERAL LIMITATIONS.—

"(A) REAL PROPERTY.—No grant funds awarded under this subsection shall be used for the acquisition of any interest in real property.

"(B) MAINTENANCE.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

"(C) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(D) ATHLETIC AND SIMILAR SCHOOL FACILITIES.—No Federal funds received under this subsection shall be used for outdoor stadiums or other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

"(8) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds."

AMENDMENT NO. 446 AS MODIFIED

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

On page 514, line 10, insert ", suspended and expelled students," after "dropouts".

On page 524, line 7, insert before the semicolon the following: "including administrative incident reports, anonymous surveys of students or teachers, and focus groups".

On page 535, line 21, strike "violence problem" and insert "and violence problems".

On page 537, line 15, by inserting "and violence" after "use,".

On page 539, between lines 17 and 18, insert the following:

"(6) administrative approaches to promote school safety, including professional development for principals and administrators to promote effectiveness and innovation, implementing a school disciplinary code, and effective communication of the school disciplinary code to both students and parents at the beginning of the school year;"

On page 545, line 9, insert "that is subject to independent review," after "data".

On page 545, lines 10 and 11, strike "social disapproval of".

On page 545, line 12, after the period add the following: "The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys."

On page 549, between lines 18 and 19, insert the following:

"(4) the provision of information on violence prevention and education and school safety to the Department of Justice, for dissemination by the National Resource Center for Safe Schools as a national clearinghouse on violence and school safety information;"

On page 550, line 14, insert "administrative approaches, security services," after "include".

On page 553, line 2, insert "to" after "research".

On page 553, after line 24, add the following:

"(J) Researchers and expert practitioners."

AMENDMENT NO. 555 AS FURTHER MODIFIED

(Purpose: To require the Secretary of Education to establish a campaign to educate principals, school administrators, and other educators regarding access to secondary schools for military recruiting purposes, and for other purposes)

At the end of title IX, add the following:

SEC. 902. DEPARTMENT OF EDUCATION CAMPAIGN TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

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

(1) Service in the Armed Forces of the United States is voluntary.

(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

(6) A number of high schools across the country have denied recruiters access to students or to student directory information.

(7) In 1999, the Army was denied access to students or student directories on 4,515 to students or student directories occasions, the Navy was denied access on 4,364 occasions, the Marine Corps was denied access on

to students or student directories 4,884 occasions, and the Air Force was denied access to students or students directories on 5,465 occasions.

(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

(11) Denying recruiters direct access to students and to student directory information undermines United States national defense, and makes it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national security.

(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

(b) CAMPAIGN TO PROMOTE ACCESS.—

(1) REPORT.—Not later than 30 days after the date of enactment of this Act, each State shall transmit to the Secretary of Education a list of each school, if any, in that State that—

(A) during the 12 months preceding the date of enactment of this Act, has denied access to students or to student directory information to a military recruiter; or

(B) has in effect a policy to deny access to students or to student directory information to military recruiters.

(2) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Defense, shall, not later than 90 days after the date of enactment of this Act, make awards to States and schools using no more than \$3 million of funds available under section 6203(c) of the Elementary and Secondary Education Act to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

(B) TARGETED SCHOOLS.—In selecting schools for awards required under subparagraph (A), the Secretary shall give priority to selecting schools that are included on the lists transmitted to Congress under paragraph (1).

SEC. 903. MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—

(1) PROHIBITION.—No funds available to the Department of Defense may be provided by grant or contract to any institution of higher education (including any school of law, whether or not accredited by the American Bar Association) that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(2) institutions in paragraph (1) shall be exempt if they have a long-standing policy of pacifism based on historical religious affiliation.

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(3) COVERED STUDENTS.—Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) DEFINITION.—For purposes of this section, the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

AMENDMENT NO. 609

(Purpose: To require audits of local education agencies to determine how funds are being expended)

At the appropriate place in title I, insert the following:

SEC. ____ . LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.

(a) AUDITS.—The Office of the Inspector General of the Department of Education shall conduct not less than 6 audits of local education agencies that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 in each fiscal year to more clearly determine specifically how local education agencies are expending such funds. Such audits shall be conducted in 6 local educational agencies that represent the size, ethnic, economic and geographic diversity of local educational agencies and shall examine the extent to which funds have been expended for academic instruction in the core curriculum and activities unrelated to academic instruction in the core curriculum, such as the payment of janitorial, utility and other maintenance services, the purchase and lease of vehicles, and the payment for travel and attendance costs at conferences.

(b) REPORT.—Not later than 3 months after the completion of the audits under subsection (a) in each year, the Office of the Inspector General of the Department of Education shall submit a report on each audit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

Mr. KENNEDY. Mr. President, I see none of my colleagues here to make further comments and statements on this. We will resume the debates tomorrow morning at 9 o'clock. I thank all our colleagues for their help and their cooperation. We have made good progress and we look forward to a final passage sometime tomorrow afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, parliamentary inquiry. What is the situation on the floor at the present time?

The PRESIDING OFFICER. The pending amendment is the Sessions amendment No. 604, as modified.

Mr. HARKIN. Is there a time agreement on that amendment?

The PRESIDING OFFICER. The Senator from Iowa is to be recognized to call up an amendment, and he has 15 minutes.

Mr. HARKIN. I have 15 minutes?

The PRESIDING OFFICER. Yes.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume then at this time. I may ask for a bit more.

Mr. President, I looked at this amendment, and all I can say is here we go again. How many times do we have to go down this road of saying that the disciplinary problems in our schools are because of kids with disabilities, and if we only can get ahold of those kids with disabilities and do something about them, then we can straighten out the discipline problem in our schools?

We have been down this road many times before. Fortunately, this body has recognized the importance of IDEA's protections in the past, and I hope we will do so again.

We as a nation decided sometime ago that segregation was wrong. I am not talking about segregation of races. We decided that a long time ago. That was wrong. I am talking about the segregation of people with disabilities from our society. We as a country said it was wrong to take kids from their families and send them halfway across the State to some alternative setting, when they could have had a decent, adequate education right in their own community, in their own school district, in their own neighborhood, if they were just given some appropriate support.

The reason I feel so deeply about this is that it is very personal to me. My brother was sent away halfway across the State from our small hometown when he was a kid because he was deaf. He was put in an institution to get his education—segregated from society, from his family, from his friends, from the town in which he grew up.

Well, those were the old days. I thought we as a society had progressed beyond that. When we passed the Individuals With Disabilities Education Act in 1975—my first year here in the Congress—we said we are not going to do that anymore; to the maximum extent possible, we are going to integrate kids with disabilities into our local educational institutions, and we are going to provide the support services those kids need to get an education.

I can remember when my oldest daughter was in grade school and when the first couple of kids with disabilities came into the classroom. There was a bit of a hue and cry. Some of the parents didn't like it. They thought it was going to take attention away from the other kids because they would have to pay more attention to the kids with disabilities. But because of the Individ-

uals With Disabilities Education Act, the school had to take these kids and provide the services. A wonderfully amazing thing happened. These young kids in that classroom, who perhaps had never associated with anyone their age with a disability, all of a sudden became drawn to these two kids who were in the classroom with their disabilities.

They became more sensitive to these kids, and the kids with disabilities found they could associate with kids without disabilities.

I saw a wonderful thing happen, and I saw the families who later on said: This is not a bad deal. It sensitized them to the fact that this could happen to any one of them any day of the week. Any one of us could become disabled—mentally or physically—at any time. It shows the vulnerability of human nature, but it also shows that kids with disabilities can learn and reach their maximum potential.

Do we want to turn the clock back? Do we want to go back to those days when we took those kids out of that setting and put them in a separate setting and said: No, you can't be in a classroom with other kids.

I do not mean to overblow this amendment, but that is exactly what this amendment will do. This amendment, in section 2(A), says:

A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative education setting if the behavior that led to the child's removal is a manifestation of the child's disability as determined under subparagraphs—

And so on.

What that says is that a child with disabilities can be removed. Yes; schools must continue to give him a free appropriate public education—but in an alternative education setting. I read that to mean a segregated setting, someplace across town, someplace where they segregate kids with disabilities.

Under current law, you have to provide a free appropriate public education but before you remove a child you have to consider certain factors, including whether the behavior was a result of their disability. This would turn the clock back to days when schools could segregate.

You say: What if that kid acted up and harmed someone? Don't you want him removed, put in a setting where they cannot harm someone? Yes, I want safety in the classroom, too, but think about this before you vote on this. This is an example I will tell you that occurs every single day in classrooms all over America with kids with disabilities.

I will use a young deaf kid again because I am so familiar with that. A young deaf kid is in a classroom. They are using a TV monitor to show some educational programs. The classroom teacher inadvertently or advertently did not provide for captioning or the

school did not provide for the captioning. The student who is deaf cannot understand what is going on.

This may go on for a couple of days until finally the kid who is deaf starts acting up. He may reach over and hit the kid next to him, may grab the kid next to him, may throw something. So a school takes that kid out of the classroom.

Under the Sessions amendment, there is no inquiry as to whether or not the kid was provided the adequate appropriate supportive services. Instead, this deaf child could be segregated based on the fact that the school failed to provide appropriate services.

Under present law, there would be a due process hearing as to why that kid acted up. They might bring in a counselor and a deaf interpreter. Maybe the kid will say: I am mad because I can't understand what is going on.

The Sessions amendment says: We don't care; get him out of here.

In addition, I have a great deal of empathy with our elementary and secondary school teachers all over America, many of whom have not been trained and who do not really know how to handle kids with disabilities. They have big classrooms. They have 28, 30 kids in a classroom, and they get a couple of kids with disabilities in their classroom. What are they going to do?

The real problem is that teachers aren't getting trained and no one is providing supportive services to these kids as is supposed to be done under law. They create a disturbance. They are not provided the appropriate supportive services so they can learn in that setting.

The teacher is at wits end. He or she would say: I've got to get these kids out of here. I can't teach the rest of these kids.

The kids tell the parents: We have kids acting up all the time; they are disturbing the classroom; I can't study. The parents call the principal. The principal says get those kids out of there.

I feel sorry for those teachers. The answer is not to segregate the kids. The answer is to meet our obligations—our moral obligations and our legal obligations—to make sure these kids get the supportive services they need to learn in that environment.

It seems to be cost is no objection when they want to segregate kids and put them in an institution. We don't care what it costs. But in order to provide the kind of supportive services they may need in an integrated classroom, why, well, that costs too much money.

It does not cost too much money. It can cost more to segregate those kids than to provide the services they need to help them.

As I said, I have a lot of empathy with these teachers because I have been in those classrooms. I feel sorry for those teachers. They do not have the support. But, now they are going to

get help because on this bill, under an amendment offered by Senator HAGEL and this Senator, adopted unanimously by the Senate, we are finally going to provide full funding for the Individuals with Disabilities Education Act which we have been talking about since 1975.

That amounts, over the next 10 years to about \$181 billion that the Federal Government has now said to the States: We are now going to give the money out we have been talking about for the last 26 years.

Now we can get the supportive services these teachers need, and if we couple that with class size reduction and reducing the number of kids in classrooms, then we have the right formula. We have the right formula not only for kids with disabilities, but for kids without disabilities.

I know people get disturbed. They hear about all the discipline problems in our classrooms, and I am not saying there are not discipline problems. But I have sat in this Senate Chamber, and I have heard Senator after Senator in the past talk about the gun incidents at Columbine, San Diego, Pennsylvania—and then they talk about discipline, and it always comes down to kids with disabilities.

I challenge them or anybody else to show me one of those violent instances where a child under an IEP, an Individualized Education Program, a kid with a disability was involved. Why is it when we have shootings, we have guns, and we have things that happen in the schools, the first thing that comes on the floor of the Senate is to beat up on the kids with disabilities? The discipline amendments don't go after kids without disabilities; they always go after kids with disabilities. I ask: Why? Why? They are the most vulnerable in our society.

We had a tough time reauthorizing IDEA a few years ago. Senator JEFFORDS and I, Senator KENNEDY and others, worked hard on it. We got all sides to agree on what we would do when we finally reauthorized. And now we have the funds in this bill to pay for it. Before we go after kids with disabilities, let's identify the real problems.

The Sessions amendment says to parents with kids with disabilities, tough luck, you are out of the picture. We will take those kids and kick them out and segregate them and you don't have anything to say about it.

Why are we picking on the kids with disabilities? Honest to God, I just don't understand this.

Do I disagree we have some discipline problems in school? No, we do have discipline problems in school. Of course we do. But it is not because of kids with disabilities. I challenge someone, please, step forward and show me the data that it is kids with disabilities causing these problems.

I don't want kids in the classroom who will hurt themselves or hurt others. If a kid is truly violent and can't be controlled, even with supportive services, that kid should not be there.

We have set up through a long history of 26 years processes and procedures to ensure that kids with disabilities have due process, as do their families.

IDEA, the Individuals with Disabilities Education Act, allows schools to remove those kids. A GAO report released in January concluded that special education students who are involved in serious misconduct are being disciplined in generally a similar manner to regular education students based on information that principals reported to us in our review of the limited extant research. That means IDEA is not limiting a school's ability to discipline children with disabilities.

Again, what does the Sessions amendment do? I repeat, under the guise of discipline, it allows us to re-segregate these kids, to turn back the clock. The second thing it does is allow schools to cease services to these kids. Section C allows the children not only to be taken out but to cease services.

A kid with a disability needs services, needs support; a kid can be not only segregated but have services cease. That is adding insult to injury. What are you going to do, throw them out on the street? Think about a kid with a serious disability, who is already frustrated by their disability. And now you will stop the services and throw them out on the street? Talk about a timebomb waiting to happen.

The one thing we have always mandated under discipline procedures for kids with disabilities is you have to keep the services going to these kids. Nobody is going to throw them out on the streets. But the Sessions amendment allows services to cease.

The Sessions amendment also creates a program that allows parents to take money from the public schools to go into private schools. Under the amendment, the local educational agency could wash its hands of responsibility for that child. Again, the Federal dollars end up in private schools without any accountability as to how those dollars get spent. The local educational agency washes its hands.

We have been down this road before. If I had a dollar for every iteration of this amendment we have had on this floor in 20 years, I would be a rich man. They always say, "We will tweak it here and tweak it there," but it always comes down to the same two or three things: segregate them out, cut out the services, and let them go out on the streets. It always comes down to that.

I have had my say. I will continue to speak out on this as long as I am on this Senate floor. I don't mean tonight; I mean as long as I am in the Senate. These families with kids with disabilities, a lot of times families are at their wit's end. A lot of times the parents are working. A lot of times it is a single parent. They are working hard, have a kid with a disability who requires a lot of attention, a lot of care, a lot of love, and the last thing they need is to get kicked in the teeth by the Senate. The last thing they need is

to have to go out and try to find a lawyer to fight it in court.

I thank the Chair's indulgence, but this is an issue I care very deeply about. There are ways of addressing this issue. This is not the way to do it. Don't go after the most vulnerable kids when it cannot be proven. You cannot show me the data. That is all I ask. Show me the data where it is kids with disabilities who are causing these problems. Show me the data and make me a believer. I have lived with this too long. I have worked on this issue too long. The data is not there. If you can show it to me, I will change my mind.

AMENDMENT NO. 802 TO AMENDMENT NO. 358

My amendment is at the desk and I ask my amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. KENNEDY, for himself and Mr. HARKIN, proposes an amendment numbered 802.

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

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

The amendment is as follows:

AMENDMENT NO. 802

(Purpose: To amend the Individuals with Disabilities Education Act regarding discipline)

At the appropriate place insert the following:

TITLE —INDIVIDUALS WITH DISABILITIES

SEC. 01. DISCIPLINE.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

“(n) UNIFORM POLICIES.—

“(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies regarding discipline applicable to all children under the jurisdiction of the agency to ensure the safety of such children and an appropriate educational atmosphere in the schools under the jurisdiction of the agency.

“(2) LIMITATION.—

“(A) IN GENERAL.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting pursuant to Sec 615K, if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

“(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

“(C) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability.”, except as provided in 612(a)(1).

SEC. 02. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 01) is amended by adding at the end the following:

“(O) DISCIPLINE DETERMINATIONS BY LOCAL AUTHORITY.—

“(1) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

“(2) DEFENSE.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

“(3) LIMITATION.—

“(A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

“(B) PLACEMENT DURING REVIEW.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.”.

Mr. HARKIN. Mr. President, again I want to make it clear what my amendment does. It basically takes the Sessions amendment, leaves most of it the way it is, but it just says, No. 1, you cannot segregate; you cannot segregate these kids—unless you follow the law. Under the present law, you can segregate kids if they are violent. But before you segregate you have to follow certain processes and procedures.

The second thing my amendment says is you cannot cease services; you cannot stop the services to these kids even if they have been removed from the classroom.

Finally, it deletes the last section that would allow local school districts to hand over federal dollars, without any accountability on how those dollars are being spent.

I think it is a reasonable and a logical approach to this problem, as I have said many times before. I do not mind people who want to have better discipline in the classrooms. I sent two kids through public schools. Yes, I want discipline in the classrooms. I want a well-structured classroom just as the Presiding Officer does for his kids and grandkids, I am sure. But this is not the way to do it. This is not the way to do it.

The way to do it is to do it under the procedures and processes that will ensure the kids with disabilities have the services and the support they need so they will not be segregated ever again in our society.

I thank the Chair for his indulgence. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE EXPLANATION

Mr. DODD. Mr. President, this morning I was not present during rollcall vote number 182, the Santorum amendment. I was attending a meeting in the Russell building. Unfortunately, the mechanism designed to alert Members of votes was malfunctioning. Therefore, I was unaware that a vote was in progress.

Had I been present for the vote, I would have voted in favor of the Santorum amendment.

AMENDMENT NO. 634, AS FURTHER MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the previously modified Stevens-Inouye amendment, which was agreed to, No. 634, be further modified with the changes I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

AMENDMENT NO. 634 AS FURTHER MODIFIED

(Purpose: To make amendments with respect to programs for Alaska Natives and Native Hawaiians, and with respect to Impact Aid payments for certain heavily impacted local educational agencies)

On page 872, strike lines 15 through 18, and insert the following:

“(L) construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body; and

“(M) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

On page 873, strike line 18 and insert the following:

\$35,000,000 for fiscal year 2002 and such sums as may

On page 879, strike lines 8 through 15, and insert the following:

“(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

On page 881, strike lines 22 through 25, and insert the following:

“(I) remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests;

“(J) education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers;

“(K) parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers;

“(L) cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students;

“(M) a cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program;

“(N) activities carried out through Even Start programs carried out under subpart 1 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph;

“(O) other early learning and preschool programs;

“(P) dropout prevention programs such as the Cook Inlet Tribal Council's Partners for Success program;

“(Q) an Alaska Initiative for Community Engagement program;

“(R) career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities;

“(S) provision of operational support and construction funding, and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 to 12, and higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities; and

“(T) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

On page 882, strike lines 16 through 19 and insert the following:

“(C) PRIORITIES.—In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least 1 Alaska Native regional nonprofit organization.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For fiscal year 2002 and each of the 6 succeeding fiscal years, there is authorized to be appropriated to carry out this section the same amount as is authorized to be appropriated under section 7205 for activities under that section for that fiscal year.

“(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

“(A) not less than \$1,000,000 to support activities described in subsection (a)(2)(K);

“(B) not less than \$1,000,000 to support activities described in subsection (a)(2)(L);

“(C) not less than \$1,000,000 to support activities described in subsection (a)(2)(M);

“(D) not less than \$2,000,000 to support activities described in subsection (a)(2)(P); and

“(E) not less than \$2,000,000 to support activities described in subsection (a)(2)(Q).

On page 883, between lines 16 and 17, insert the following:

“(e) REPORTING REQUIREMENTS.—Each recipient of a grant or contract under this part shall, not later than March 15 of each fiscal year in which the organization expends funds under the grant or contract, prepare and submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, summary reports, of not more than 2 pages in length. Such reports shall describe activities undertaken under the grant or contract,

and progress made toward the overall objectives of the activities to be carried out under the grant or contract.

On page 886, between lines 13 and 14, insert the following:

TITLE VIII—IMPACT AID

SEC. 801. ELIGIBILITY UNDER SECTION 8003 FOR CERTAIN HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) ELIGIBILITY.—Section 8003(b)(2)(C) (20 U.S.C. 7703(b)(2)(C)) is amended—

(1) in clauses (i) and (ii) by inserting after “Federal military installation” each place it appears the following: “(or the agency is a qualified local educational agency as described in clause (iv))”; and

(2) by adding at the end the following:

“(iv) QUALIFIED LOCAL EDUCATIONAL AGENCY.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

“(I) The boundaries are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

“(II) The agency has no taxing authority.

“(III) The agency received a payment under paragraph (1) for fiscal year 2001.”

(b) EFFECTIVE DATE.—The Secretary shall consider an application for a payment under section 8003(b)(2) for fiscal year 2002 from a qualified local educational agency described in section 8003(b)(2)(C)(iv), as added by subsection (a), as meeting the requirements of section 8003(b)(2)(C)(iii), and shall provide a payment under section 8003(b)(2) for fiscal year 2002, if the agency submits to the Secretary an application for payment under such section not later than 60 days after the date of enactment of this Act.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

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

SITUATION IN THE MIDDLE EAST

Mrs. FEINSTEIN. Mr. President, we are at a critical juncture in the Middle East. If words are followed by deeds, yesterday's acceptance by the Palestinians of a U.S. plan brokered by CIA Director Tenet—which Israel had previously signed off on—may open the door for an end to the violence of the past eight months, a cooling off period, and new peace talks.

The violence in Israel following the collapse of the Camp David talks has been profoundly disturbing to those of us who are both friends of Israel and strong supporters of Arab-Israeli peacemaking.

With a cease-fire now in effect, the Israeli and Palestinian people have an opportunity to start moving back in the right direction, towards peace and security for the region.

If the peace process is to gain momentum, both sides must make a commitment to the right of the other to exist, in peace and security.

If leaders on both sides are able to muster the political will necessary for this commitment, then I believe that it will be possible for the cease-fire to

hold, for a cooling-off period to have effect, and for confidence building measures to once again give momentum to a new peace process.

I was a supporter of the Oslo process when I first came to the Senate, and worked to build peace in the region in the years since, believing a commitment by both sides existed.

I was thus saddened that the unprecedented concessions that former Prime Minister Barak offered last summer—which many felt met the needs and aspirations of the Palestinian people—was not accepted.

Not only was the Palestinian response to that offer “no,” but PLO Chairman Yassar Arafat walked away from the negotiations and the Palestinians began a campaign of violence which, in turn, led to Israel resorting to violence to try to protect its security and safeguard the lives of its people.

In walking away from negotiations, Mr. Arafat raised questions about his commitment to peace, and whether there are some in Palestinian society who are unwilling to accept the existence of Israel under any circumstances.

With this cease-fire, these questions are again on the table.

As I stated on the floor of the Senate earlier this year, the new Intifadah was characterized by a level of hate and violence that I did not believe possible in view of the nature of concessions Israel had offered to make.

Particularly tragic—coming on top of over 400 Palestinian and 100 Israeli deaths since last September—was the murder of 20 young Israelis at a night club in Tel Aviv on June 1. Israel's restraint in response to this bombing—looking for the path of peace, not continued bloodshed—has been nothing short of heroic.

No one—Israeli or Palestinian—should have to worry about the possibility of attack as they put their child on a school bus, go to work, go shopping, sit at a cafe, or go to a night club.

We can all remember the images from last Fall of the Palestinian child hiding behind his father, caught in the cross-fire—and, just a few days later, the pictures of the Israelis lynched by a Palestinian mob, their bloody bodies thrown from the second floor window of the police station.

There are countless other such images that each side can point to in the 8 months since.

It is easy to understand how passions can run high, and fear and frustration can drive violence in the current environment.

It is also easy to see how these feelings can get out of control and lead to ever deeper, and never-ending, cycles of violence.

The cease-fire and cooling off period that has been agreed to provides both parties the opportunity to end the provocation and reaction.

Palestinian acceptance of the cease-fire agreement brokered by Director

Tenet is a crucial step in the right direction, and carries with it an acknowledgment of the special responsibility incumbent on the Palestinian Authority to end the violence.

Much more will need to be done, however, to show the international community that Mr. Arafat and the Palestinian people are committed to peace and willing to coexist with Israel.

Mr. Arafat's call for a halt to the violence will only yield results if he follows his words with deeds.

With the cease-fire now in effect, Mr. Arafat must follow-up on the agreed-to elements of the deal. He must re-arrest those terrorists he inexcusably released last fall, stop anti-Israel incitement in the Palestinian media, and make sure that the Palestinian police strictly enforce his cease-fire orders.

He must also follow up on information supplied by Israel about imminent terrorist attacks. He must move to confiscate weapons that are being held by many in the West Bank and Gaza illegally. And he must take action to prevent his aides and other Palestinian officials from defending terrorists.

Mr. Arafat must also understand that if he fails the test, again, that there will be very real consequences for him and for the Palestinian people.

The Government of Israel, for its part, must continue to show its commitment to peace by exercising the admirable restraint it has shown in the wake of the June 1 tragedy.

Israel must also take steps to ease the restrictions on Palestinians, including travel, and pull its forces back from Palestinian populations centers.

The events of recent days also strengthen the case for more active American involvement in the Middle East.

I applaud the recent stepped-up role of the Bush administration and urge the President and Secretary Powell to continue their engagement at this critical juncture in Israeli-Palestinian relations.

I also extend my praise to Director Tenet and Assistant Secretary of State Burns, both of whom have been in the region for the past several days shuttling between Israeli and Palestinian offices.

Director Tenet, in particular, has played an important role bridging Israeli and Palestinian security concerns, and I am confident that he will continue to do his utmost to bring the sides together—without jeopardizing Israel's security.

Lastly, I believe that we owe a debt to our former colleague, Senator Mitchell, for his work in developing the Mitchell Commission report and recommendations.

The administration's endorsement of the Mitchell Commission report as the basis for restoring peace to the Middle East is a sign it understands the role it must play in order for the violence in the region to subside and for the parties to eventually return to the negotiating table.

If we have learned anything from the history of the Arab-Israeli conflict it is that only through diplomacy can the people of the Middle East achieve peace and stability.

I also call on my colleagues in the Senate to support active American leadership in the region.

This is not the time—or the issue—to be engaging in partisan politics. Democrats and Republicans alike must unite in supporting our friends in Israel as well as President Bush and Secretary Powell in their peace-building efforts.

With this cease-fire, the United States must continue to be involved as a facilitator of peace and diplomacy in the Middle East.

The administration also must continue to follow in the footsteps of previous Republican and Democratic administrations alike, whose involvement in Arab-Israeli peacemaking led to historic breakthroughs such as the Camp David Accords, the Madrid Conference and the Wye Agreement.

Last year, by walking away from the negotiations, Mr. Arafat raised serious questions about whether he was truly committed to the cause of peace.

We are at another critical juncture and Mr. Arafat, now, again, has the opportunity to show he is serious about peace. In the past few days he has said the right things—in both English and Arabic—and now he must do the right things as well.

I believe that if the parties are committed to coexistence, and that if each continues to demonstrate the necessary leadership—with the United States playing an active and engaged role—we may soon see an end to the violence and a return to negotiations.

The events of the last 8 months will make it difficult, but with this cease-fire paving the way for a cooling off period and the implementation of confidence building measures, I remain hopeful that peace for the peoples of the Middle East is still possible.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in St. Louis, MO in 1998. A gay man was allegedly assaulted by a male neighbor who came into the victim's garage and hit him 12 times with a baseball bat saying, "You are a faggot motherf---er who needs to move [out of this neighborhood]. If you don't move, you're gonna die." The victim required 70 stitches and sustained a permanent head injury.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of

hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 12, 2001, the Federal debt stood at \$5,683,524,204,123.12, five trillion, six hundred eighty-three billion, five hundred twenty-four million, two hundred four thousand, one hundred twenty-three dollars and twelve cents.

One year ago, June 12, 2000, the Federal debt stood at \$5,648,174,000,000, five trillion, six hundred forty-eight billion, one hundred seventy-four million.

Five years ago, June 12, 1996, the Federal debt stood at \$5,141,287,000,000, five trillion, one hundred forty-one billion, two hundred eighty-seven million.

Ten years ago, June 12, 1991, the Federal debt stood at \$3,491,404,000,000, three trillion, four hundred ninety-one billion, four hundred four million.

Fifteen years ago, June 12, 1986, the Federal debt stood at \$2,046,458,000,000, two trillion, forty-six billion, four hundred fifty-eight million, which reflects a debt increase of more than \$3.5 trillion, \$3,637,066,204,123.12, three trillion, six hundred thirty-seven billion, sixty-six million, two hundred four thousand, one hundred twenty-three dollars and twelve cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO VICTOR ROSENBAUM

• Mr. KENNEDY. Mr. President, I rise today in tribute to one of the great cultural treasures of Massachusetts, Victor Rosenbaum. Mr. Rosenbaum is the President of the esteemed Longy School of Music and has been an important figure in Boston's musical life for more than a quarter century, excelling as a pianist, teacher, conductor, composer, writer and administrator.

As a pianist, Victor Rosenbaum is critically acclaimed for his performances as a soloist and chamber musician. He has performed throughout the world and has appeared as a soloist with the Boston Pops, Pro Arte Orchestra, Boston Classical Orchestra and the Boston Philharmonic. His chamber music collaborations have been with such distinguished artists as Leonard Rose, Joseph Silverstein, Roman Totenberg, and the Vermeer and Cleveland Quartets.

In addition to teaching at Longy, Mr. Rosenbaum is also a member of the faculty at the prestigious New England Conservatory where he was the former chair of the Piano Department, and a current member of the faculty of Musicorda.

Since Mr. Rosenbaum's appointment as President in 1985, Longy has become a major performance center in the greater Boston area, and has greatly

expanded its curriculum for children, avocational students, and aspiring professional musicians and teachers.

In 1994, the Schools work with low-income school children from Cambridge came to the attention of the Lila Wallace-Reader's Digest Fund, the Nation's largest private arts funder. Selecting Longy as one of the six non-profit cultural institutions nationwide to expand their youth programs, the Fund awarded the School \$355,000, the largest of the six and the largest single gift ever made to the School at that time, to provide private music instruction to students from Boston and Somerville as well as Cambridge and to develop an in-school music enrichment program.

Victor Rosenbaum has had an immeasurable impact on Boston's cultural life. He has elevated the quality of music in our city and expanded its reach to new audiences and music-lovers.

I commend him for what he has accomplished and extend congratulations to him as he retires from Longy at the end of his 16th year as its venerable President.●

TRIBUTE TO DOROTHY FREDERICK

• Mr. GRASSLEY. Mr. President, since 1963, the month of May has helped the Nation focus on the contributions and achievements of America's older citizens. The image of those over the age of 65 is dramatically different than it was just a generation ago. Older Americans increasingly redefine modern maturity, re-shape cultural boundaries and dispel age-related stereotypes associated with getting older. They are leaders in our families, in our workplaces and in our communities.

One of these leaders is an 80-year-old woman from Milford, IA. Dorothy Frederick understands the value of helping others. Through her initiative, concern and commitment, she has touched the lives of many in her community.

Mrs. Frederick and her husband, Ted, moved to Milford in 1950 where the couple has owned a hardware business for fifty years. After the couple's five children were grown, Mrs. Frederick's desire to stay active led to her increasing involvement in the community.

Through her church, Mrs. Frederick helped start meals on wheels in Milford more than twenty years ago. Over that time, she has gotten other churches in the community involved in the program. Today, meals on wheels is still going strong in Milford, and Mrs. Frederick continues to be the program coordinator. She is "on call" with the program each day and is responsible for finding drivers and coordinating their activities. She even fills in as a substitute driver when needed.

Mrs. Frederick's initiative also led to the establishment of the Dinner Date program in Milford nearly twenty years ago. Every Tuesday, Mrs. Frederick is responsible for serving meals

at the community meal site to senior citizens and others. Her ongoing commitment to these programs has contributed to their success all of these years.

Mrs. Frederick is a woman who likes a challenge. After serving six years on the city council, she was elected Mayor of Milford and served the better part of her six-year tenure while in her sixties. As mayor, Mrs. Frederick made her mark by fulfilling a campaign promise to put a streetlight on every corner in town. Today, she is still known as "the woman who lit up Milford."

Mrs. Frederick and her husband have been married for 58 years. The couple's five children and three grandchildren keep them very busy. When asked what she likes to do with her free time, Mrs. Frederick says her main interest is helping people and that all people are important, whether they be young or old.

I think those words are pretty good words to live by and I'd like to thank Mrs. Frederick for her contributions to the people of Milford. Her initiative and compassion for others is an example to us all that we should always be willing to help, no matter what our age.●

TRIBUTE TO RAJESH NAIR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Rajesh Nair of Milford, NH, on being named as New Hampshire High Technology Council's 2001 Entrepreneur of the Year.

As a former small business owner, I applaud Rajesh, President of Degree Controls, Inc., for his achievements in the field of thermal management controllers for electronics packaging. He and his company have been recognized in their industry as innovative leaders receiving the Partner in Excellence Gold Trophy for the top supplier to Lucent Technologies in Oklahoma City.

Rajesh and his company have made other important contributions in thermal engineering further enhancing their success in the industry. The citizens of New Hampshire have benefitted greatly thanks to the economic and civic contributions of Degree Controls, Inc. It is truly an honor and a privilege to represent Rajesh in the United States Senate.●

TRIBUTE TO DAVID GAGNON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to David Gagnon of Milford, NH, on being named as the New Hampshire High Technology Council's 2001 Entrepreneur of the Year. As a former small business owner, I applaud the achievements of David and his employees at Degree Controls, Inc.

David, Executive Vice President of Degree Controls, Inc., has achieved high recognition in the field of thermal management controllers for electronics

packaging. He and his company have been recognized in their industry as innovative leaders receiving the Partner in Excellence Gold Trophy for the top supplier to Lucent Technologies in Oklahoma City.

The citizens of New Hampshire have benefitted greatly thanks to the economic and civic contributions of Degree Controls Inc. His astute approach to high technology opportunities is an asset to the business community in our state. It is an honor and a privilege to represent him in the United States Senate.●

TRIBUTE TO AMBASSADOR MALCOLM TOON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay special tribute to Ambassador Malcolm Toon, an outstanding American diplomat with a long and impressive record of service to our Nation. For Ambassador Toon this year's July Fourth celebration has particular meaning since it also marks his Eighty-fifth Birthday.

In a diplomatic career that spanned more than three decades, he served as U.S. ambassador to the Soviet Union, Yugoslavia, Czechoslovakia, and Israel and held positions within the State Department as the Director of Soviet Affairs and the Deputy Assistant Secretary for European Affairs. These assignments provided Ambassador Toon with a degree of expertise and keen insight that would prove invaluable when, in March 1992, he was selected by President Bush to serve as the first U.S. chairman of a newly formed bilateral American-Russian commission tasked with determining the fate of missing service personnel.

Under his six-year stewardship, the U.S.-Russia Joint Commission on POW/MIA's overcame many obstacles in pursuit of its humanitarian work on behalf of missing servicemen and their families. Thanks to his leadership and steadfastness, the fates of numerous military personnel have been clarified and a robust archival research program implemented. During his tenure the Joint Commission visited each of the fifteen independent states that comprised the former Soviet Union and urged heads of state and other senior officials to do all within their power to assist in the search for American servicemen still unaccounted for. Similar initiatives were directed at the countries of Central and Eastern Europe. I am personally aware of Ambassador Toon's deep sense of commitment to the POW/MIA issue since, as co-chairman of the Joint Commission's Vietnam War Working Group, I had the privilege of serving with Ambassador Toon.

Prior to embarking on his diplomatic career in 1946, Ambassador Toon served in the U.S. Navy during World War II as a PT-Boat skipper, achieving the rank of Lieutenant Commander and earning the Bronze Star for valor. His academic credentials include a BA degree from Tufts University and grad-

uate studies at Middlebury College and Harvard University.

I ask my colleagues to join with me today in recognizing a distinguished diplomat who has contributed greatly to our nation's commitment to the fullest possible accounting for our missing service personnel.●

TRIBUTE TO MORTON E. GOULDER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Morton E. Goulder of Hollis, NH, on being named as New Hampshire High Technology Council's Lifetime Achievement Award Recipient.

As a senior member of the Senate Armed Services Committee, I applaud Morton's exemplary achievements as President of M.E. Goulder, Deputy Assistant Secretary of Defense for our country from 1973 to 1977, and founder of Sanders Associates, a company which specializes in military electronics research and development.

His contributions to the economic environment of New Hampshire are to be applauded. The citizens of our State have benefitted greatly from Morton's selfless dedication to business, education and community affairs in New Hampshire. It is truly an honor and a privilege to represent him in the U.S. Senate.●

TRIBUTE TO MICHAEL J. GERLING

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Michael J. Gerling of Lebanon, NH, on being named as New Hampshire High Technology Council's 2001 Entrepreneur of the Year.

As a former small business owner, I applaud the achievements of Michael and his company, Geographic Data Technology, Inc., in the wireless technology market that have resulted in his company's map databases being used for in-car navigation systems for Lexus and Toyota.

I commend your staff of over 700 employees for their contribution to the success of Geographic Data Technology, Inc. Working in tandem with his employees, he has created a workplace which promotes open communication allowing employees to discuss important issues directly with you.

The citizens of Lebanon and our entire state have benefitted greatly from the economic and civic contributions of your company. Michael's astute approach to high technology opportunities is an asset to the business community in New Hampshire. It is an honor and a privilege to represent him in the U.S. Senate.●

MESSAGE FROM THE HOUSE

At 3:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 643. An act to reauthorize the African Elephant Conservation Act.

H.R. 700. An act to reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 1831. An act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

The message further announced that pursuant to section 313(2)(a) of Public Law 106-554, and upon the recommendation of the majority leader, the Speaker has appointed the following Member of the House of Representatives to the Board of Trustees of the Center for Russian Leadership Development: Mr. AMO HOUGHTON of New York.

The message also announced that pursuant to section 228(d)(1) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181), the Speaker has appointed the following members on the part of the House of Representatives to the National Commission To Ensure Consumer Information and Choice in the Airline Industry: Mr. Gerald J. Roper of Illinois and Mr. Paul M. Ruden of Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 643. An act to reauthorize the African Elephant Conservation Act; to the Committee on Environment and Public Works.

H.R. 700. An act to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Environment and Public Works.

H.R. 1831. An act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

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-2367. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95" (RIN115-AF76) received on June 12, 2001; to the Committee on the Judiciary.

EC-2368. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC-2369. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2001-36) received on June 11, 2001; to the Committee on Finance.

EC-2370. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Medicare in Rural America for June 2001; to the Committee on Finance.

EC-2371. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Mangoes from the Philippines" (Doc. No. 93-131-2) received on June 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2372. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 01-058-1) received on June 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2373. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Undersized Regulation for the 2001-02 Crop Year" (Doc. No. FV01-933-1 FR) received on June 12, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2374. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Major Rail Consolidation Procedures" (STB 582) received on June 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2375. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Station; Little Rock, AR" (Doc. No. 01-50) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2376. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Temple, TX" (Doc. No. 01-46) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2377. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotment, DTV Broadcast Stations; Salinas, CA" (Doc. No. 99-269) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2378. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Merced, CA" (Doc. No. 01-41) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2379. A communication from the Director of the Office of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled

"Revision of Fee Schedules; Fee Recovery for Fiscal Year 2001" (RIN3150-AG73) received on June 12, 2001; to the Committee on Environment and Public Works.

EC-2380. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Telluride and Pagosa Springs" (FRL6989-3) received on June 12, 2001; to the Committee on Environment and Public Works.

EC-2381. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Promulgation of Extension of Attainment Dates for PM10 Nonattainment Areas; Utah" (FRL6996-9) received on June 12, 2001; to the Committee on Environment and Public Works.

EC-2382. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana" (FRL6994-9) received on June 12, 2001; to the Committee on Environment and Public Works.

EC-2383. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Procedures for the Measurement of Mercury in Water (EPA Method 1631; Revision C); Final Rule, Technical Corrections" (FRL6998-5) received on June 12, 2001; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WYDEN (for himself, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 1024. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 1025. A bill to provide for savings for working families; to the Committee on Finance.

By Mr. TORRICELLI:

S. 1026. A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building"; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 1027. A bill to expand the purposes of the program of block grants to States for temporary assistance for needy families to include poverty reduction, and to make grants available under the program for that purpose; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1028. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the

purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. GRAMM, Mr. REED, Mr. SHELBY, Mr. SCHUMER, Mr. ALLARD, Mr. BAYH, Mr. ENZI, Mr. JOHNSON, Ms. MIKULSKI, and Mr. BOND):

S. 1029. A bill to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program; considered and passed.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. DASCHLE, Mr. ROBERTS, Mr. JOHNSON, Mr. JEFFORDS, Mr. CRAPO, Mr. ROCKEFELLER, Mr. HARKIN, Mr. DORGAN, Mr. WELLSTONE, Mr. BOND, Mr. HELMS, Mr. COCHRAN, Mr. EDWARDS, Mr. HUTCHINSON, Mr. DOMENICI, Mr. BURNS, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 1030. A bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes; to the Committee on Finance.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 1031. A bill to authorize additional appropriations for the United States Customs Service for personnel, technology, and infrastructure to expedite the flow of legal commercial and passenger traffic along the Southwest land border, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. KERRY, Mr. HELMS, Mr. LEAHY, Mr. DURBIN, and Mr. CHAFEE):

S. 1032. A bill to expand assistance to countries seriously affected by HIV/AIDS, malaria, and tuberculosis; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. CORZINE, Mr. WELLSTONE, Mr. BAYH, and Mr. CHAFEE):

S. 1033. A bill to amend the Federal Water Pollution Control Act to protect $\frac{1}{4}$ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DURBIN, Mr. DAYTON, Mr. WELLSTONE, Mr. DEWINE, Mr. VOINOVICH, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1034. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to require the Secretary of Transportation to promulgate and review regulations to ensure, to the maximum extent practicable, that vessels entering the Great Lakes do not spread nonindigenous aquatic species, to require treatment of ballast water and its sediments through the most effective and efficient techniques available, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1035. A bill to establish programs to protect the resources of and areas surrounding the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DEWINE, Mr. DORGAN, Mr. DASCHLE, Mr. KOHL, Mr. LUGAR, Mr. KENNEDY, Mr. JOHNSON, Mr. CONRAD, Ms. LANDRIEU, and Mr. DAYTON):

S. 1036. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance

coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction 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. 657

At the request of Mr. LUGAR, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Nebraska (Mr. HAGEL), the Senator from Oregon (Mr. WYDEN), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 657, a bill to authorize funding for the National 4-H Program Centennial Initiative.

S. 677

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 775, a bill to amend title XVIII

of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 801

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 825

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 825, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling \$5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 847

At the request of Mr. DAYTON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 871

At the request of Mr. CLELAND, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 926

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 926, a bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma.

S. 974

At the request of Mr. JOHNSON, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 974, a bill to amend title XVIII of the Social Security Act to provide for coverage of pharmacist services under part B of the medicare program.

S. 981

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 981, a bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families.

S. 994

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 994, a bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1017

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1017, a bill to provide the people of China with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. CON. RES. 8

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. CON. RES. 9

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict.

S. CON. RES. 45

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 45, a concurrent resolu-

tion expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

AMENDMENT NO. 423

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of amendment No. 423.

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 423, *supra*.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 423, *supra*.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 423, *supra*.

AMENDMENT NO. 456

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 456.

AMENDMENT NO. 555

At the request of Mr. SESSIONS, his name was added as a cosponsor of amendment No. 555.

AMENDMENT NO. 792

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 792 intended to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 798

At the request of Mr. HOLLINGS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 798.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 1024. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, pain is our Nation's silent public health crisis. Pain is often left untreated or undertreated, especially among older patients, minorities and children. Forty to 50 percent of dying patients experience moderate to severe pain at least half of the time in the last days of their lives. A Brown University study published in last month's *Journal of the American Medical Association* found that 40 percent of nursing home patients nationwide with acute or chronic pain are not getting treatment that brings them relief. Thousand of Americans die in pain every year, and thousands live in chronic pain.

What is truly tragic for these patients is that the medical technology and know-how exist to make them more comfortable. What does not exist is a medical system that supports clinicians trying to address these issues or a system to support patients and families as they try to find help for pain.

The primary goal of the Conquering Pain Act, a bipartisan bill that I am introducing today with Senators SMITH, ROCKEFELLER, and BREAUX is to create a public health framework with on which effective pain management policies can be developed. Providing help to patients in pain, to their health care providers, and to others caring for those patients will ensure their access to pain management 24 hours a day, seven days a week, 365 days a year.

The widespread crisis of failing to adequately address patients in pain is made crystal clear by the fact that only one State in the Nation has ever has sanctioned a physician for the under-treatment of pain. That State is my home State of Oregon, which is now also considering the creation of a commission on pain management with the State health department.

The Conquering Pain Act does not seek to tell clinicians how to practice medicine. It does not override State regulation and oversight of medicine. It does provide information to physicians and families in an effort to support them. It also seeks to find answers to the complex problems created by the interplay between State and Federal regulation of pain medications.

Most importantly, the bill would create six regional Family Support Networks linking patients, families and providers to information and services to assist patients in pain. These networks would also assist clinicians who need additional information, mentoring or support to deal with the medically complex cases that patients in pain often present.

It would be cruel and callous for this Congress to continue to ignore the overwhelming number of scientific studies that show patient after patient failing to get relief from pain. This legislation, which enjoys broad support with the medical and patient community, would start us down the road toward addressing in a bipartisan, positive way one of our Nation's most serious and continued health problems.

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. 1024

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Conquering Pain Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—EMERGENCY RESPONSE TO THE PUBLIC HEALTH CRISIS OF PAIN

Sec. 101. Guidelines for the treatment of pain.
Sec. 102. Patient expectations to have pain and symptom management.
Sec. 103. Quality improvement projects.
Sec. 104. Pain coverage quality evaluation and information.
Sec. 105. Surgeon General's report.

TITLE II—DEVELOPING COMMUNITY RESOURCES

Sec. 201. Family support networks in pain and symptom management.

TITLE III—REIMBURSEMENT BARRIERS

Sec. 301. Reimbursement barriers report.
Sec. 302. Insurance coverage of pain and symptom management.

TITLE IV—IMPROVING FEDERAL COORDINATION OF POLICY, RESEARCH, AND INFORMATION

Sec. 401. Advisory Committee on Pain and Symptom Management.
Sec. 402. Institutes of Medicine report on controlled substance regulation and the use of pain medications.
Sec. 403. Conference on pain research and care.

TITLE V—DEMONSTRATION PROJECTS

Sec. 501. Provider performance standards for improvement in pain and symptom management.
Sec. 502. End of life care demonstration projects.

SEC. 2. FINDINGS.

Congress finds that—

- (1) pain is often left untreated or under-treated especially among older patients, African Americans, Hispanics and other minorities, and children;
- (2) chronic pain is a public health problem affecting at least 50,000,000 Americans through some form of persisting or recurring symptom;
- (3) 40 to 50 percent of patients experience moderate to severe pain at least half the time in their last days of life;
- (4) 70 to 80 percent of cancer patients experience significant pain during their illness;
- (5) one in 7 nursing home residents experience persistent pain that may diminish their quality of life;
- (6) despite the best intentions of physicians, nurses, pharmacists, and other health care professionals, pain is often under-treated because of the inadequate training of clinicians in pain management;
- (7) despite the best intentions of physicians, nurses, pharmacists, mental health professionals, and other health care professionals, pain and symptom management is often suboptimal because the health care system has focused on cure of disease rather than the management of a patient's pain and other symptoms;
- (8) the technology and scientific basis to adequately manage most pain is known;
- (9) pain should be considered the fifth vital sign; and
- (10) coordination of Federal efforts is needed to improve access to high quality effective pain and symptom management in order to assure the needs of chronic pain patients and those who are terminally ill are met.

(10) coordination of Federal efforts is needed to improve access to high quality effective pain and symptom management in order to assure the needs of chronic pain patients and those who are terminally ill are met.

SEC. 3. DEFINITIONS.

In this Act:

- (1) CHRONIC PAIN.—The term "chronic pain" means a pain state that is persistent and in which the cause of the pain cannot be removed or otherwise alleviated. Such term includes pain that may be associated with long-term incurable or intractable medical conditions or disease.
- (2) END OF LIFE CARE.—The term "end of life care" means a range of services, including hospice care, provided to a patient, in the final stages of his or her life, who is suffering from 1 or more conditions for which treatment toward a cure or reasonable improvement is not possible, and whose focus of care is palliative rather than curative.
- (3) FAMILY SUPPORT NETWORK.—The term "family support network" means an association of 2 or more individuals or entities in a

collaborative effort to develop multi-disciplinary integrated patient care approaches that involve medical staff and ancillary services to provide support to chronic pain patients and patients at the end of life and their caregivers across a broad range of settings in which pain management might be delivered.

(4) HOSPICE.—The term "hospice care" has the meaning given such term in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)).

(5) MEDICATION THERAPY MANAGEMENT SERVICES.—The term "medication therapy management services" means consultations with a physician or other health care professional (including a pharmacist) who is practicing within the scope of the professional's license, concerning a patient which results in—

- (A) a change in the drug regimen of the patient to avoid an adverse drug interaction with another drug or disease state;
- (B) a change in inappropriate drug dosage or dosage form with respect to the patient;
- (C) discontinuing an unnecessary or harmful medication with respect to the patient;
- (D) an initiation of medication therapy for a medical condition of the patient;
- (E) consultation with the patient or a caregiver in a manner that results in a significant improvement in drug regimen compliance; or
- (F) patient and caregiver understanding of the appropriate use and adherence to medication therapy.

(6) PAIN AND SYMPTOM MANAGEMENT.—The term "pain and symptom management" means services provided to relieve physical or psychological pain or suffering, including any 1 or more of the following physical complaints—

- (A) weakness and fatigue;
- (B) shortness of breath;
- (C) nausea and vomiting;
- (D) diminished appetite;
- (E) wasting of muscle mass;
- (F) difficulty in swallowing;
- (G) bowel problems;
- (H) dry mouth;
- (I) failure of lymph drainage resulting in tissue swelling;
- (J) confusion;
- (K) dementia;
- (L) delirium;
- (M) anxiety;
- (N) depression; and
- (O) and other related symptoms

(7) PALLIATIVE CARE.—The term "palliative care" means the total care of patients whose disease is not responsive to curative treatment, the goal of which is to provide the best quality of life for such patients and their families. Such care—

- (A) may include the control of pain and of other symptoms, including psychological, social and spiritual problems;
- (B) affirms life and regards dying as a normal process;
- (C) provides relief from pain and other distressing symptoms;
- (D) integrates the psychological and spiritual aspects of patient care;
- (E) offers a support system to help patients live as actively as possible until death; and
- (F) offers a support system to help the family cope during the patient's illness and in their own bereavement.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE I—EMERGENCY RESPONSE TO THE PUBLIC HEALTH CRISIS OF PAIN

SEC. 101. GUIDELINES FOR THE TREATMENT OF PAIN.

(a) DEVELOPMENT OF WEBSITE.—Not later than 2 months after the date of enactment of

this Act, the Secretary, acting through the Agency for Healthcare Research and Quality, shall develop and maintain an Internet website to provide information to individuals, health care practitioners, and health facilities concerning evidence-based practice guidelines developed for the treatment of physical and psychological pain. Websites in existence on such date may be used if such websites meet the requirements of this section.

(b) **REQUIREMENTS.**—The website established under subsection (a) shall—

(1) be designed to be quickly referenced by health care practitioners; and

(2) provide for the updating of guidelines as scientific data warrants.

(c) **PROVIDER ACCESS TO GUIDELINES.**—

(1) **IN GENERAL.**—In establishing the website under subsection (a), the Secretary shall ensure that health care facilities have made the website known to health care practitioners and that the website is easily available to all health care personnel providing care or services at a health care facility.

(2) **USE OF CERTAIN EQUIPMENT.**—In making the information described in paragraph (1) available to health care personnel, the facility involved shall—

(A) ensure that such personnel have access to the website through the computer equipment of the facility;

(B) carry out efforts to inform personnel at the facility of the location of such equipment; and

(C) ensure that patients, caregivers, and support groups are provided with access to the website.

(3) **RURAL AREAS.**—

(A) **IN GENERAL.**—A health care facility, particularly a facility located in a rural or underserved area, without access to the Internet shall provide an alternative means of providing practice guideline information to all health care personnel.

(B) **ALTERNATIVE MEANS.**—The Secretary shall determine appropriate alternative means by which a health care facility may make available practice guideline information on a 24-hour basis, 7 days a week if the facility does not have Internet access. The criteria for adopting such alternative means should be clear in permitting facilities to develop alternative means without placing a significant financial burden on the facility and in permitting flexibility for facilities to develop alternative means of making guidelines available. Such criteria shall be published in the Federal Register.

SEC. 102. PATIENT EXPECTATIONS TO HAVE PAIN AND SYMPTOM MANAGEMENT.

(a) **IN GENERAL.**—The administrator of each of the programs described in subsection (b) shall ensure that, as part of any informational materials provided to individuals under such programs, such materials shall include information, where relevant, to inform such individuals that they should expect to have their pain assessed and should expect to be provided with effective pain and symptom relief, when receiving benefits under such program.

(b) **PROGRAMS.**—The programs described in this subsection shall include—

(1) the medicare and medicaid programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1935 et seq., 1936 et seq.);

(2) programs carried out through the Public Health Service;

(3) programs carried out through the Indian Health Service;

(4) programs carried out through health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b);

(4) the Federal Employee Health Benefits Program under title 5, United States Code;

(5) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

as defined in section 1073(4) of title 10, United States Code; and

(6) other programs administered by the Secretary.

SEC. 103. QUALITY IMPROVEMENT EDUCATION PROJECTS.

The Secretary shall provide funds for the implementation of special education projects, in as many States as is practicable, to be carried out by peer review organizations of the type described in section 1152 of the Social Security Act (42 U.S.C. 1320c-1) to improve the quality of pain and symptom management. Such projects shall place an emphasis on improving pain and symptom management at the end of life, and may also include efforts to increase the quality of services delivered to chronic pain patients and the chronically ill for whom pain may be a significant symptom.

SEC. 104. PAIN COVERAGE QUALITY EVALUATION AND INFORMATION.

(a) **IN GENERAL.**—Section 1851(d)(4) of the Social Security Act (42 U.S.C. 42 U.S.C. 1395w-21(d)(4)) is amended—

(1) in subparagraph (A), by adding at the end the following:

“(ix) The organization’s coverage of pain and symptom management.”; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking “and” at the end;

(B) in clause (iv), by striking the period and inserting “, and”; and

(C) by adding at the end the following:

“(v) not later than 2 years after the date of enactment of this clause, an evaluation (which may be made part of any other relevant report of quality evaluation that the plan is required to prepare) for the plan (updated annually) that indicates the performance of the plan with respect to access to, and quality of, pain and symptom management, including such management as part of end of life care. Data shall be posted in a comparable manner for consumer use on www.medicare.gov.”.

(b) **EFFECTIVE DATE.**—The amendments made by paragraph (1) apply to information provided with respect to annual, coordinated election periods (as defined in section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395-21(e)(3)(B))) beginning after the date of enactment of this Act.

SEC. 105. SURGEON GENERAL’S REPORT.

Not later than October 1, 2002, the Surgeon General shall prepare and submit to the appropriate committees of Congress and the public, a report concerning the state of pain and symptom management in the United States. The report shall include—

(1) a description of the legal and regulatory barriers that may exist at the Federal and State levels to providing adequate pain and symptom management;

(2) an evaluation of provider competency in providing pain and symptom management;

(3) an identification of vulnerable populations, including children, advanced elderly, non-English speakers, and minorities, who may be likely to be underserved or may face barriers to access to pain management and recommendations to improve access to pain management for these populations;

(4) an identification of barriers that may exist in providing pain and symptom management in health care settings, including assisted living facilities;

(5) an identification of patient and family attitudes that may exist which pose barriers in accessing pain and symptom management or in the proper use of pain medications;

(6) an evaluation of medical, nursing, and pharmacy school training and residency training for pain and symptom management;

(7) a review of continuing medical education programs in pain and symptom management; and

(8) a description of the use of and access to mental health services for patients in pain and patients at the end of life.

TITLE II—DEVELOPING COMMUNITY RESOURCES

SEC. 201. FAMILY SUPPORT NETWORKS IN PAIN AND SYMPTOM MANAGEMENT.

(a) **ESTABLISHMENT.**—The Secretary, acting through the Public Health Service, shall award grants for the establishment of 6 National Family Support Networks in Pain and Symptom Management (in this section referred to as the “Networks”) to serve as national models for improving the access and quality of pain and symptom management to chronic pain patients (including chronically ill patients for whom pain is a significant symptom) and those individuals in need of pain and symptom management at the end of life and to provide assistance to family members and caregivers.

(b) **ELIGIBILITY AND DISTRIBUTION.**—

(1) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an academic facility or other entity that has demonstrated an effective approach to training health care providers including mental health professionals concerning pain and symptom management and palliative care services; and

(B) prepare and submit to the Secretary an application (to be peer reviewed by a committee established by the Secretary), at such time, in such manner, and containing such information as the Secretary may require.

(2) **DISTRIBUTION.**—In providing for the establishment of Networks under subsection (a), the Secretary shall ensure that—

(A) the geographic distribution of such Networks reflects a balance between rural and urban needs; and

(B) at least 3 Networks are established at academic facilities.

(c) **ACTIVITIES OF NETWORKS.**—A Network that is established under this section—

(1) shall provide for an integrated interdisciplinary approach, that includes psychological and counseling services, to the delivery of pain and symptom management;

(2) shall provide community leadership in establishing and expanding public access to appropriate pain care, including pain care at the end of life;

(3) shall provide assistance, through caregiver supportive services, that include counseling and education services;

(4) shall develop a research agenda to promote effective pain and symptom management for the broad spectrum of patients in need of access to such care that can be implemented by the Network;

(5) shall provide for coordination and linkages between clinical services in academic centers and surrounding communities to assist in the widespread dissemination of provider and patient information concerning how to access options for pain management;

(6) shall establish telemedicine links to provide education and for the delivery of services in pain and symptom management;

(7) shall develop effective means of providing assistance to providers and families for the management of a patient’s pain 24 hours a day, 7 days a week; and

(8) may include complimentary medicine provided in conjunction with traditional medical services.

(d) **PROVIDER PAIN AND SYMPTOM MANAGEMENT COMMUNICATIONS PROJECTS.**—

(1) **IN GENERAL.**—Each Network shall establish a process to provide health care personnel with information 24 hours a day, 7 days a week, concerning pain and symptom management. Such process shall be designed to test the effectiveness of specific forms of communications with health care personnel so that such personnel may obtain information to ensure that all appropriate patients

are provided with pain and symptom management.

(2) **TERMINATION.**—The requirement of paragraph (1) shall terminate with respect to a Network on the day that is 2 years after the date on which the Network has established the communications method.

(3) **EVALUATION.**—Not later than 60 days after the expiration of the 2-year period referred to in paragraph (2), a Network shall conduct an evaluation and prepare and submit to the Secretary a report concerning the costs of operation and whether the form of communication can be shown to have had a positive impact on the care of patients in chronic pain or on patients with pain at the end of life.

(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed as limiting a Network from developing other ways in which to provide support to families and providers, 24 hours a day, 7 days a week.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$18,000,000 for fiscal years 2002 through 2004.

TITLE III—REIMBURSEMENT BARRIERS

SEC. 301. REIMBURSEMENT BARRIERS REPORT.

The Medicare Payment Advisory Commission (MedPac) established under section 1805 of the Social Security Act (42 U.S.C. 1396b-6) shall conduct a study, and prepare and submit to the appropriate committees of Congress a report, concerning—

(1) the manner in which Medicare policies may pose barriers in providing pain and symptom management and palliative care services in different settings, including a focus on payment for nursing home and home health services;

(2) the identification of any financial barriers that may exist within the Medicare and Medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.) that interfere with continuity of care and interdisciplinary care or supportive care for the broad range of chronic pain patients (including patients who are chronically ill for whom pain is a significant symptom), and for those who are terminally ill, and include the recommendations of the Commission on ways to eliminate those barriers that the Commission may identify;

(3) the reimbursement barriers that exist, if any, in providing pain and symptom management through hospice care, particularly in rural areas, and if barriers exist, recommendations concerning adjustments that would assist in assuring patient access to pain and symptom management through hospice care in rural areas;

(4) whether the Medicare reimbursement system provides incentives to providers to delay informing terminally ill patients of the availability of hospice and palliative care; and

(5) the impact of providing payments for medication therapy management services in pain and symptom management and palliative care services.

SEC. 302. INSURANCE COVERAGE OF PAIN AND SYMPTOM MANAGEMENT.

(a) **IN GENERAL.**—The General Accounting Office shall conduct a survey of public and private health insurance providers, including managed care entities, to determine whether the reimbursement policies of such insurers inhibit the access of chronic pain patients to pain and symptom management and pain and symptom management for those in need of end-of-life care (including patients who are chronically ill for whom pain is a significant symptom). The survey shall include a review of formularies for pain medication and the effect of such formularies on pain and symptom management.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Gen-

eral Accounting Office shall prepare and submit to the appropriate committees of Congress a report concerning the survey conducted under subsection (a).

TITLE IV—IMPROVING FEDERAL COORDINATION OF POLICY, RESEARCH, AND INFORMATION

SEC. 401. ADVISORY COMMITTEE ON PAIN AND SYMPTOM MANAGEMENT.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory committee, to be known as the Advisory Committee on Pain and Symptom Management, to make recommendations to the Secretary concerning a coordinated Federal agenda on pain and symptom management.

(b) **MEMBERSHIP.**—The Advisory Committee established under subsection (a) shall be comprised of 11 individuals to be appointed by the Secretary, of which at least 1 member shall be a representative of—

- (1) physicians (medical doctors or doctors of osteopathy) who treat chronic pain patients or the terminally ill;
- (2) nurses who treat chronic pain patients or the terminally ill;
- (3) pharmacists;
- (4) hospice;
- (5) pain researchers;
- (6) patient advocates;
- (7) caregivers; and
- (8) mental health providers.

The members of the Committee shall designate 1 member to serve as the chairperson of the Committee.

(c) **MEETINGS.**—The Advisory Committee shall meet at the call of the chairperson of the Committee.

(d) **AGENDA.**—The agenda of the Advisory Committee established under subsection (a) shall include—

- (1) the development of recommendations to create a coordinated Federal agenda on pain and symptom management;
- (2) the development of proposals to ensure that pain is considered as the fifth vital sign for all patients;
- (3) the identification of research needs in pain and symptom management, including gaps in pain and symptom management guidelines;
- (4) the identification and dissemination of pain and symptom management practice guidelines, research information, and best practices;
- (5) proposals for patient education concerning how to access pain and symptom management across health care settings;
- (6) the manner in which to measure improvement in access to pain and symptom management and improvement in the delivery of care;
- (7) the development of ongoing strategies to assure the aggressive use of pain medications, including opioids, regardless of health care setting; and
- (8) the development of an ongoing mechanism to identify barriers or potential barriers to pain and symptom management created by Federal policies.

(e) **RECOMMENDATION.**—Not later than 2 years after the date of enactment of this Act, the Advisory Committee established under subsection (a) shall prepare and submit to the Secretary recommendations concerning a prioritization of the need for a Federal agenda on pain and symptom management, and ways in which to better coordinate the activities of entities within the Department of Health and Human Services, and other Federal entities charged with the responsibility for the delivery of health care services or research on pain and symptom management with respect to pain management.

(f) **CONSULTATION.**—In carrying out this section, the Advisory Committee shall consult with all Federal agencies that are responsible for providing health care services or access to health services to determine the best means to ensure that all Federal activities are coordinated with respect to research and access to pain and symptom management.

(g) **ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.**—The following shall apply with respect to the Advisory Committee:

(1) The Committee shall receive necessary and appropriate administrative support, including appropriate funding, from the Department of Health and Human Services.

(2) The Committee shall hold open meetings and meet not less than 4 times per year.

(3) Members of the Committee shall not receive additional compensation for their service. Such members may receive reimbursement for appropriate and additional expenses that are incurred through service on the Committee which would not have incurred had they not been a member of the Committee.

(4) The requirements of Appendix 2 of title 5, United States Code.

SEC. 402. INSTITUTES OF MEDICINE REPORT ON CONTROLLED SUBSTANCE REGULATION AND THE USE OF PAIN MEDICATIONS.

(a) **IN GENERAL.**—The Secretary, acting through a contract entered into with the Institute of Medicine, shall review findings that have been developed through research conducted concerning—

(1) the effects of controlled substance regulation on patient access to effective care;

(2) factors, if any, that may contribute to the underuse of pain medications, including opioids;

(3) the identification of State legal and regulatory barriers, if any, that may impact patient access to medications used for pain and symptom management; and

(4) strategies to assure the aggressive use of pain medications, including opioids, regardless of health care setting.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the findings described in subsection (a).

SEC. 403. CONFERENCE ON PAIN RESEARCH AND CARE.

Not later than December 31, 2005, the Secretary, acting through the National Institutes of Health, shall convene a national conference to discuss the translation of pain research into the delivery of health services including mental health services to chronic pain patients and those needing end-of-life care. The Secretary shall use unobligated amounts appropriated for the Department of Health and Human Services to carry out this section.

TITLE V—DEMONSTRATION PROJECTS

SEC. 501. PROVIDER PERFORMANCE STANDARDS FOR IMPROVEMENT IN PAIN AND SYMPTOM MANAGEMENT.

(a) **IN GENERAL.**—The Secretary, acting through the Health Resources Services Administration, shall award grants for the establishment of not less than 5 demonstration projects to determine effective methods to measure improvement in the skills, knowledge, and attitudes and beliefs of health care personnel in pain and symptom management as such skill, knowledge, and attitudes and beliefs apply to providing services to chronic pain patients and those patients requiring pain and symptom management at the end of life.

(b) **EVALUATION.**—Projects established under subsection (a) shall be evaluated to determine patient and caregiver knowledge

and attitudes toward pain and symptom management.

(c) **APPLICATION.**—To be eligible to receive a grant under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require.

(d) **TERMINATION.**—A project established under subsection (a) shall terminate after the expiration of the 2-year period beginning on the date on which such project was established.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 502. END OF LIFE CARE DEMONSTRATION PROJECTS.

The Secretary, acting through the Health Resources and Services Administration, shall—

(1) not later than January 1, 2004, carry out not less than 5 demonstration and evaluation projects that implement care models for individuals at the end of life, at least one of which shall be developed to assist those individuals who are terminally ill and have no family or extended support, and each of which may be carried out in collaboration with domestic and international entities to gain and share knowledge and experience on end of life care;

(2) conduct 3 demonstration and evaluation activities concerning the education and training of clinicians in end of life care, and assist in the development and distribution of accurate educational materials on both pain and symptom management and end of life care;

(3) in awarding grants for the training of health professionals, give priority to awarding grant to entities that will provide training for health professionals in pain and symptom management and in end-of-life care at the undergraduate level;

(4) shall evaluate demonstration projects carried out under this section within the 5-year period beginning on the commencement of each such project; and

(5) develop a strategy and make recommendations to Congress to ensure that the United States health care system—

(A) has a meaningful, comprehensive, and effective approach to meet the needs of individuals and their caregivers as the patient approaches death; and

(B) integrates broader supportive services.

Mr. SMITH of Oregon. Mr. President, I rise today to join my friend and colleague from Oregon in reintroducing the Conquering Pain Act. He and I have worked long and hard together to expand access to effective pain and symptom management for chronic pain and terminally ill patients, and I believe that this legislation is an important step toward accomplishing that goal. This is an issue of great importance to my home state of Oregon, and a matter of personal significance to me.

Prior to my service in elected office, I served as a volunteer for my church. In this capacity, I found my professional work as a food processor in a constant, but blessed, state of interruption. On a weekly basis and at the oddest of hours, I found myself making continual rounds at St. Anthony's Hospital in Pendleton, Oregon. On many occasions I shared with parents the unspeakable joy of welcoming newborn babies into this world. On others, I suffered in heartbreaking sorrow as I tried

to comfort the critically ill, or hold the hands of those who lay at the brink of eternity.

On too many of these occasions, patients suffered intense pain and discomfort during their final hours; sometimes as a result of inadequate pain management techniques, and sometimes as a result of our medical focus on curing illness and prolonging life at any cost. I have seen many beloved friends suffer unnecessarily and I believe that all Americans have been touched at some point by a friend or family member struggling to cope with chronic or acute pain. We all deserve a health care system committed to adequately addressing the comfort of ailing patients.

The legislation we reintroduce today, the Conquering Pain Act, is consistent with my belief that the practice of medicine must place greater emphasis on helping people who are experiencing chronic and acute pain.

The Conquering Pain Act of 2001 will take a number of steps to ensure that patients have greater access to effective pain management. This legislation will commission studies by the Surgeon General's office, the General Accounting Office, the Institute of Medicine, and MedPac to examine the state of pain and symptom management in the United States, and to review regulatory obstacles that stifle effective pain management in our health care system. The Act will establish demonstration projects at the Department of Health and Human Services and other institutions to provide advanced pain management care and to research effective methods to measure improvement in the skills, knowledge, and attitudes of health care personnel in pain and symptom management. In addition, this bill will make important and timely information related to pain management available to patients and health care professionals over the Internet.

The Conquering Pain Act of 2001 will do something that should have been done many years ago; it will finally establish a coordinated Federal agenda regarding pain and symptom management. For better or for worse, our health care system has focused intensely on curing disease but has never adequately addressed the need to provide effective pain management. Americans should expect their health care providers to attend to their comfort as well as their health, and I believe that this legislation will go a long way toward addressing this long-standing deficiency.

By Mr. LIEBERMAN:

S. 1025. A bill to provide for savings for working families; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today, Senator JOSEPH LIEBERMAN and I are introducing the Savings for Working Families Act, which seeks to expand opportunities through Individual Development Accounts, IDAs, to enable

the working poor to save for a home, educational expenses, and micro-enterprise and small business efforts. We have already reintroduced this provision this year as Title I of bipartisan legislation, S. 592, "the Savings Opportunity and Charitable Giving Act of 2001." Rep. PITTS and Rep. STENHOLM are also introducing a bipartisan companion bill on IDAs in the House of Representatives today.

IDAs have been endorsed by President Bush during the presidential campaign and were included in his budget. IDAs are also included in H.R. 7, "the Community Solutions Act." We strongly support the charitable giving incentives in our bill but in the context of this legislation, which includes savings incentives provisions, we are seeking to add additional tax relief for those working hard to save.

IDAs are matched savings accounts for working Americans restricted to three uses: 1. buying a first home; 2. receiving post-secondary education or training; or 3. starting or expanding a small business. Individual and matching deposits are not co-mingled; all matching dollars are kept in a separate, parallel account. When the account holder has accumulated enough savings and matching funds to purchase the asset, typically over two to four years, and has completed a financial education course, payments from the IDA will be made directly to the asset provider.

Financial institutions, or their contractual affiliates, would be reimbursed for all matching funds provided plus a limited amount of the program and administrative costs incurred, whether directly or through collaborations with other entities. Specifically, the IDA Tax Credit would be the aggregate amount of all dollar-for-dollar matches provided, up to \$500 per person per year, plus a one-time \$100 per account credit for financial education, recruiting, marketing, administration, withdrawals, etc., plus an annual \$30 per account credit for the administrative cost of maintaining the account. To be eligible for the match, adjusted gross income may not exceed \$20,000, single, \$25,000, head of household, or \$40,000, married, to prevent the creation of any additional marriage penalties.

Our legislation is aimed at fixing our Nation's growing gap in asset ownership, which keeps millions of low-income workers from achieving the American dream. Most public attention focuses on our growing income gap. Though the booming American economy has delivered significant income gains to the Nation's upper-income earners, lower-income workers have been left on the sidelines. This suggests to some that closing this divide between the have-mosts and the have-leasts is simply a matter of raising wages. But the reality is that the income gap is a symptom of a larger, more complicated problem.

Success in today's new economy is defined less and less by how much you

earn and more and more by how much you own—your asset base. This is great news for the millions of middle-class homeowners who are tapped into America's economic success, but it is bad news for those who are simply tapped out—those with no assets and little hope of accumulating the means for upward mobility and real financial security. This widening asset gap was underscored in a report issued earlier this year by the Federal Reserve. The Fed found that while the net worth of the typical family has risen substantially in recent years, it has actually dropped substantially for low-income families.

For families with annual incomes of less than \$10,000, the median net worth dipped from \$4,800 in 1995 to \$3,600 in 1998. For families with incomes between \$10,000 and \$25,000, the median net worth fell from \$31,000 to \$24,800 over the same period. The rate of home ownership among low-income families has dropped as well. For families making less than \$10,000, it went from 36.1 percent to 34.5 percent from 1995 to 1998; for those making between \$10,000 and \$25,000, it fell from 54.9 percent to 51.7 percent.

How do we reverse this troubling trend? IDAs are the unfinished business of the Community Renewal and New Markets Empowerment initiatives which became law in December of 2000 and will increase job opportunities and renew hope in what have been hopeless places. But to sustain this hope, we must provide opportunities for individuals and families to build tangible assets and acquire stable wealth.

How do we do this? We believe that the marketplace can provide such opportunity. Non-profit groups around the country have launched innovative private programs that are achieving great success in transforming the "unbanked"—people who have never had a bank account—into unabashed capitalists. Through IDAs, banks and credit unions offer special savings accounts to low-income Americans and match their deposits dollar-for-dollar. In return, participants take an economic literacy course and commit to using their savings to buy a home, upgrade their education or to start a business.

Thousands of people are actively saving today through IDA programs in about 250 neighborhoods nationwide. In one demonstration project undertaken by the Corporation for Enterprise Development, CFED, a leading IDA promoter, 2,378 participants have already saved \$838,443, which has leveraged an additional \$1,644,508.

While data have been encouraging, unfortunately IDA programs are still limited and too scattered across the Nation. This amendment will expand IDA access nationwide by providing a significant tax credit to financial institutions and community groups which they will pass through to IDA account holders. This credit would reimburse banks for the first \$500 of matching funds they contribute, thus signifi-

cantly lowering the cost of offering IDAs. Other State and private funds can also be used to provide additional match to savings. It also benefits our economy, the long-term stability of which is threatened by our pitiful national savings rate. In fact, according to some estimates, every \$1 invested in an IDA returns \$5 to the national economy.

IDAs are supported by a variety of groups including the Credit Union National Association, the Corporation for Enterprise Development, the National Association of Homebuilders, the Financial Services Roundtable, and the National Conference of State Legislators.

Individual Development Accounts, combined with other community development and wealth creation opportunities, are a first step towards restoring the faith in the longstanding American promise of equal opportunity. That faith has been shaken by stark divisions of income and wealth in our society. With the leadership of the President and the Speaker, I am hopeful, along with Senator LIEBERMAN and other supporters in the Senate, that Congress will take this significant step toward restoring the long-cherished American ideals of rewarding hard work, encouraging responsibility, and expanding opportunity this year.

By Mr. SCHUMER:

S. 1027. A bill to expand the purposes of the program of block grants to States for temporary assistance for needy families to include poverty reduction, and to make grants available under the program for that purpose; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise today to speak on the Schumer-Wellstone "Child Poverty Reduction Act." This bill would create a fifth goal of the Temporary Assistance for Needy Families, TANF, Program to reduce poverty among families with children in the United States, and it would provide a \$150 million annual appropriation for high performance bonus grants to States who reduce both the depth and extent of child poverty.

Under current law, TANF has four goals: 1. provide assistance to needy families so that children may be cared for in their own homes; 2. end dependency on the welfare system; 3. prevent and reduce the incidence of out-of-wedlock pregnancies; and 4. encourage the formation and maintenance of two parent families. The bill would add language stating that the fifth goal of TANF is "to reduce poverty of families with children in the United States."

The TANF program currently awards "high performance" bonuses to States that rank high on outcome measures related to the program's goals. A total of \$1 billion was provided over 5 years, averaging \$200 million per year, for this bonus. The law charges the Secretary of Health and Human Services with developing the criteria for measuring high performance in consultation with

certain groups representing the states. Bonuses have thus far been awarded for fiscal year 1999 and fiscal year 2000. For fiscal year 1999 through fiscal year 2001, states are judged only on measures related to promoting work for the high performance bonus. Beginning in fiscal year 2002, new measures will be added that provide bonus awards to States that increase the percent of married couple families with children and to States that take steps to increase participation in food stamps, Medicaid/SCHIP and child care. This bill would create an additional \$150 million bonus category to provide high performance bonus grants to all States that reduce their child poverty rate from the previous year's poverty rate. The grant is authorized from fiscal year 2003 onward. To ensure continued improvement, States cannot receive a bonus if their child poverty rate for any given year is higher than their lowest child poverty rate from calendar year 2002 onward. In addition, even if a State reduces the overall poverty rate, a State cannot receive the bonus if the average amount of income that the State's poor children needed to get above the poverty line, the average depth of child poverty, increased from the previous year. Each State that qualifies for a grant would receive an award equal to the number of the children residing in the State as a percentage of the number of children living in the United States. A qualifying State can receive no less than \$1 million per year, and no more than 5 percent of their Basic TANF grant.

This bill takes the important first step toward reorienting our thinking about the purpose of welfare "reform." Many people have trumpeted the "success" of welfare reform, pointing to the enormous reduction in the caseload as proof of this success, but such claims miss the point. Reducing the rolls is the easy part—just kick people off, close their cases, and wish them well. The more important, and infinitely more difficult, part is the reduction of poverty. When advocates of welfare "reform" talk about ending dependency, there is clearly a presumption that they are also advocating moving these same families toward economic self-sufficiency. But the reality of the situation is that the welfare rolls have declined much more quickly than the poverty rate, and it is not at all clear that those families who have lost their benefits have moved out of poverty. Of particular concern is the fact that too many children in this country continue to live in poverty.

What do we know about the well-being of poor children in this country? We know that the number of children who live in poverty has declined. In 1998, 18.9 percent of children in the United States lived in poverty. In 1999 that figure dropped to 16.9 percent. But before we start celebrating, let's think about what this really represents. In this period of unheralded economic growth, child poverty has decreased by

two percent. Two percent. Unprecedented, rewrite the economic textbooks, prosperity, and childhood poverty has decreased by only two percent.

Worse, though, we also know that poor children are on average now more poor than ever before. Their families have incomes further below the poverty level than in any other year that this information has been collected. And researchers point to the decline in cash assistance and food stamps as a primary cause. The percentage of poor children whose families received cash assistance fell from 62 percent in 1994 to 43 percent in 1998; the percent of poor children who received food stamps dropped from 94 percent to 75 percent from 1994 to 1998; and a million people became uninsured in 1998. Our Nation's programs, designed to meet the needs of our most vulnerable citizens, are serving fewer of them. This is what we call success? I've said it before and I'll continue to say it for as long as we have this debate simply reducing the welfare rolls is not success. Reducing the rolls is not the same thing as reducing poverty, our real goal, a goal we have not come close to reaching.

It is critical that we reframe the public discourse so that welfare "reform" is about ending poverty, not simply reducing the rolls, and we must make it part of a larger discourse about the needs of working families in this country. After all, there are about 6 million people on the welfare rolls, but there are 32 million people 12 million children living in poverty, 43 million people who are uninsured, 30 million people who are hungry, more than 13 million children who are eligible for child care assistance who aren't receiving any, more than 12 million people teetering on the edge of homelessness, and an estimated 6.9 million people in this country earning only the minimum wage unable to move their families out of poverty even by working full-time, year-round. As we begin to consider reauthorization of the welfare "reform" bill, we need to understand that whatever debate we have won't be just about welfare. We need to understand that what we will really be talking about is poverty, about hunger and homelessness, about whether or not our children are safe, about whether or not they come to school "ready to learn," about whether or not they grow and prosper. The debate we will have is not simply about what is good for the 6 million people in this country receiving public assistance, or even the 32 million people living in poverty, but it will be a debate about what is good for our country. It will be a debate about our priorities.

Any investment we make in the needs of low-income families will be paid back to us a thousand-fold in the well-being of our children, our neighborhoods, and our communities. And the cost of not investing in these families is similarly multiplied when we see our children fall behind in grade school and high school, when we bear witness

to horrible acts of violence committed by children against children, and when we face a cycle of poverty that seems nearly unbreakable. I look forward to the day when the needs of all families are met, when we ensure that every member of our community leads a life of dignity, able to provide for themselves and their families. And I have to believe that such a day will come, although I worry that it may not come soon enough.

We must do more to reduce both the extent and the depth of poverty in this country, and right now is the time to do so. Right now we have the resources to ensure that no family, no child, is left behind. The Schumer-Wellstone "Child Poverty Reduction Act" is a step in this direction. I urge each of my colleagues to support this bill.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1028. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DASCHLE. Mr. President, I am today introducing the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001. This proposal is the culmination of more than 3 years of discussion with local landowners, the South Dakota Water Congress, the U.S. Bureau of Reclamation, local legislators, representatives of South Dakota sportsmen groups and affected citizens. It lays out a plan to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project in South Dakota to the Commission of School and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, and provides the option to preferential leaseholders to purchase their original parcels from the Commission.

To more fully understand the issues addressed by the legislation, it is necessary to review some of the history related to the Oahe Unit of the Missouri River Basin project in South Dakota.

The Oahe Unit was originally approved as part of the overall plan for water development in the Missouri River Basin that was incorporated in the Flood Control Act of 1944. Subsequently, Public Law 90-453 authorized construction and operation of the initial stage of this unit. The purposes of the Oahe Unit, as authorized, were to provide for the irrigation of 190,000 acres of farmland, conserve and enhance fish and wildlife habitat, pro-

mote recreation and meet other important goals.

The project came to be known as the Oahe Irrigation Project, and the principal features of the initial stage of the project included the Oahe pumping plant, located near Oahe Dam, to pump water from the Oahe Reservoir, a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir, and the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 35 miles east of Pierre, South Dakota.

Under the authorizing legislation, 42,155 acres were to be acquired by the Federal Government in order to construct and operate the Blunt Reservoir feature of the Oahe Irrigation Project. Land acquisition for the proposed Blunt Reservoir feature began in 1972 and continued through 1977. A total of 17,878 acres actually were acquired from willing sellers.

The first land for the Pierre Canal feature was purchased in July 1975 and included the 1.3 miles of Reach 1B. An additional 21-mile reach was acquired from 1976 through 1977, also from willing sellers.

Organized opposition to the Oahe Irrigation Project surfaced in 1973 and continued to build until a series of public meetings were held in 1977 to determine if the project should continue. In late 1977, the Oahe project was made a part of President Carter's Federal Water Project review process.

The Oahe project construction was then halted on September 30, 1977, when Congress did not include funding in the FY 1978 appropriations. Thus, all major construction contract activities ceased, and land acquisition was halted.

The Oahe Project remained an authorized water project with a bleak future and minimal chances of being completed as authorized. Consequently, the Department of Interior, through the Bureau of Reclamation, gave to those persons who willingly had sold their lands to the project, and their descendants, the right to lease those lands and use them as they had in the past until they were needed by the Federal Government for project purposes.

During the period from 1978 until the present, the Bureau of Reclamation has administered these lands on a preference lease basis for those original landowners or their descendants and on a non-preferential basis for lands under lease to persons who were not preferential leaseholders. Currently, the Bureau of Reclamation administers 12,978 acres as preferential leases and 4,304 acres as non-preferential leases in the Blunt Reservoir.

As I noted previously, the Oahe Irrigation Project is related directly to the overall project purposes of the Pick-Sloan Missouri Basin program authorized under the Flood Control Act of 1944. Under this program, the U.S. Army Corps of Engineers constructed four major dams across the Missouri

River in South Dakota. The two largest reservoirs formed by these dams, Oahe Reservoir and Sharpe Reservoir, caused the loss of approximately 221,000 acres of fertile, wooded bottomland that constituted some of the most productive, unique and irreplaceable wildlife habitat in the State of South Dakota. This included habitat for both game and non-game species, including several species now listed as threatened or endangered. Meriwether Lewis, while traveling up the Missouri River in 1804 on his famous expedition, wrote in his diary, "Song birds, game species and furbearing animals abound here in numbers like none of the party has ever seen. The bottomlands and cottonwood trees provide a shelter and food for a great variety of species, all laying their claim to the river bottom."

Under the provisions of the Wildlife Coordination Act of 1958, the State of South Dakota has developed a plan to mitigate a part of this lost wildlife habitat as authorized by Section 602 of Title VI of Public Law 105-277, October 21, 1998, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. The State's habitat mitigation plan has received the necessary approval and interim funding authorizations under Sections 602 and 609 of Title VI.

The State's habitat mitigation plan requires the development of approximately 27,000 acres of wildlife habitat in South Dakota. Transferring the 4,304 acres of non-preferential lease lands in the Blunt Reservoir feature to the South Dakota Department of Game, Fish and Parks would constitute a significant step toward satisfying the habitat mitigation obligation owed to the state by the Federal Government and as agreed upon by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the South Dakota Department of Game, Fish and Parks.

As we developed this legislation, many meetings occurred among the local landowners, South Dakota Department of Game, Fish and Parks, business owners, local legislators, the Bureau of Reclamation, as well as representatives of sportsmen groups. It became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow the preferential leaseholders (original landowner or descendant or operator of the land at the time of purchase) to have an option to purchase the land from the Commission of School and Public Lands after the preferential lease parcels are conveyed to the Commission. This option will be available for a period of 5 years after the date of conveyance to the Commission. During the interim period, the preferential leaseholders shall be entitled to continue to lease from the Commissioner under the same terms and conditions they have enjoyed with the Bureau of Reclamation. If the preferential leaseholder fails to purchase a

parcel within the 5-year period, that parcel will be conveyed to the South Dakota Department of Game, Fish and Parks to be used to implement the 27,000-acre habitat mitigation plan.

The proceeds from these sales will be used to finance the administration of this bill, support public education in the State of South Dakota, and will be added to the South Dakota Wildlife Habitat Mitigation Trust Fund to assist in the payment of local property taxes on lands transferred from the Federal government to the state of South Dakota.

In summary, the State of South Dakota, the Federal Government, the original landowners, the sportsmen and wildlife will benefit from this bill. It provides for a fair and just resolution to the private property and environmental problems caused by the Oahe Irrigation Project some 25 years ago. We have waited long enough to right some of the wrongs suffered by our landowners and South Dakota's wildlife resources.

I am hopeful the Senate will act quickly on this legislation. Our goal is to enact a bill that will allow meaningful wildlife habitat mitigation to begin, give certainty to local landowners who sacrificed their lands for a defunct federal project they once supported, ensure the viability of the local land base and tax base, and provide well maintained and managed recreation areas for sportsmen.

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. 1028

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 "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), Congress approved the Pick-Sloan Missouri River Basin Program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to provide for municipal and industrial water supply, fish and wildlife, and recreation;

(D) to protect urban and rural areas from devastating floods of the Missouri River; and

(E) for other purposes;

(2) the purpose of the Oahe Unit, James Division, of the Oahe Irrigation Project was to meet the requirements of that Act by providing irrigation above Sioux City, Iowa;

(3) the principal features of the initial stage of the Oahe Unit, James Division, of the Oahe Irrigation Project included—

(A) a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir; and

(B) the establishment of regulating reservoirs, including the Blunt Dam and Res-

ervoir, located approximately 35 miles east of Pierre, South Dakota;

(4) land to establish the Pierre Canal and Blunt Reservoir was purchased between 1972 and 1977, when construction on the initial stage of the Oahe Unit, James Division, was halted;

(5) since 1978, the Commissioner of Reclamation has administered the land—

(A) on a preferential lease basis to original landowners or their descendants; and

(B) on a nonpreferential lease basis to other persons;

(6) the 2 largest reservoirs created by the Pick-Sloan Missouri River Basin Program, Lake Oahe and Lake Sharpe, caused the loss of approximately 221,000 acres of fertile, wooded bottomland in South Dakota that constituted some of the most productive, unique, and irreplaceable wildlife habitat in the State;

(7) the State has developed a plan to meet the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to mitigate the loss of wildlife habitat, the implementation of which is authorized by section 602 of title VI of Public Law 105-277 (112 Stat. 2681-660); and

(8) it is in the interests of the United States and the State to—

(A) provide original landowners or their descendants with an opportunity to purchase back their land; and

(B) transfer the remaining land to the State to allow implementation of its habitat mitigation plan.

SEC. 3. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin Program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin Program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—

(A) IN GENERAL.—The term "State" means the State of South Dakota.

(B) INCLUSION.—The term "State" includes a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) CONVEYANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey all of the preferential lease parcels to the Commission, without consideration, on the condition that the Commission honor the purchase option provided to preferential leaseholders under subsection (e).

(d) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (c) and (f), respectively, the State shall agree to accept—

(A) in "as is" condition, the Blunt Reservoir Feature and the Pierre Canal Feature; and

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature.

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL, AND OTHER OUTSTANDING RIGHTS.—A conveyance under subsection (c) or (f) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(e) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on 1 of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) 10 percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after the date of the conveyance under subsection (c) to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Commission the parcel leased by the preferential leaseholder under the same terms and conditions as

under the lease, as in effect as of the date of conveyance.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be determined to be, at the election of the preferential leaseholder—

(i) the amount that is equal to—

(I) the number of acres of the preferential lease parcel; multiplied by

(II) the amount of the per-acre assessment of adjacent parcels made by the Director of Equalization of the county in which the preferential lease parcel is situated; or

(ii) the amount of a valuation of the preferential lease parcel for agricultural use made by an independent appraiser.

(B) COST OF APPRAISAL.—If a preferential leaseholder elects to use the method of valuation described in subparagraph (A)(ii), the cost of the valuation shall be paid by the preferential leaseholder.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Commission shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Of the proceeds of sales of land under this subsection—

(A) not more than \$750,000 shall be used to reimburse the Secretary for expenses incurred in implementing this Act;

(B) an amount not exceeding 10 percent of the cost of each transaction conducted under this Act shall be used to reimburse the Commission for expenses incurred implementing this Act;

(C) \$3,095,000 shall be deposited in the South Dakota Wildlife Habitat Mitigation Trust Fund established by section 603 of the Water Resources Development Act of 1999 (113 Stat. 389) for the purpose of paying property taxes on land transferred to the State;

(D) \$185,400 shall be transferred to Sully County, South Dakota;

(E) \$14,600 shall be transferred to Hughes County, South Dakota; and

(F) the remainder shall be used by the Commission to support public schools in the State.

(f) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order of priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal Feature.

(g) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(h) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(i) FUNDING OF THE SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603(b) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking "\$108,000,000" and inserting "\$111,095,000".

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$750,000.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. DASCHLE, Mr. ROBERTS, Mr. JOHNSON, Mr. JEFFORDS, Mr. CRAPO, Mr. ROCKEFELLER, Mr. HARKIN, Mr. DORGAN, Mr. WELLSTONE, Mr. BOND, Mr. HELMS, Mr. COCHRAN, Mr. EDWARDS, Mr. HUTCHINSON, Mr. DOMENICI, Mr. BURNS, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 1030. A bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, I am introducing the Rural Health Improvement Act of 2001. This proposal is the result of a bipartisan and bicameral effort. I am proud to be joined by Senator THOMAS the lead cosponsor

of the bill, along with Senators DASCHLE, ROBERTS, JOHNSON, LINCOLN, JEFFORDS, CRAPO, ROCKEFELLER, HARKIN, DORGAN, WELLSTONE, BOND, HELMS, COCHRAN, EDWARDS, HUTCHINSON, DOMENICI, BURNS, and BINGAMAN. I would also like to thank our House companions, led by Representatives MORAN and MCINTYRE.

In addition, I would like to thank the National Rural Health Association, the Federation of American Hospitals, the National Association of Rural Health Clinics, the American Hospital Association, and the College of American Pathologists for their support of this effort.

Working together, I believe we are taking important steps toward improving access to health care in our rural communities.

Rural health care providers are often forced to operate with significantly fewer resources than larger, urban facilities. In my State of North Dakota, rural hospitals often receive only half the Medicare reimbursement of their urban counterparts. For example, a rural facility in North Dakota receives approximately \$4,200 for treating pneumonia, while Our Lady of Mercy in New York city receives more than \$8,500.

This funding disparity is simply unfair and has placed many rural providers on shaky ground. And in my State, if these facilities close, rural communities will be left without access to needed health care services. We simply cannot allow this to happen.

According to the Medicare Payment Advisory Commission, MedPAC, continued funding shortfalls have resulted in rural providers having much tighter Medicare margins than their urban counterparts. Today, the average rural hospital operates with a slim 4.1 percent inpatient margin, compared to 13.5 percent for urban providers.

When you look at overall Medicare margins, the situation is even more bleak, rural providers are working with an average negative 2.9 percent Medicare margin compared to 6.9 percent for urban hospitals. Our rural facilities cannot continue to provide high-quality services if they lose nearly 3 percent on every Medicare patient they serve.

To address these problems, the bill I am introducing today would take three important steps to erase inequities in the Medicare inpatient hospital payment system and provide new resources to rural health care providers.

As you know, it is nearly impossible for hospitals serving small, rural areas to take advantage of economies of scale realized by facilities located in larger communities. This problem is compounded by the fact that Medicare does not adequately account for the higher costs of serving low-volume populations. According to MedPAC, the result of these factors is that the majority of small facilities operate in the red.

To ensure our smallest rural hospitals can keep their doors open, the

Rural Health Care Improvement Act would provide a new, and much needed, extra payment to hospitals serving fewer than 800 patients per year. This new low-volume adjustment payment would provide up to 25 percent in additional funding to help rural providers cover inpatient hospital services.

Second, this proposal would close the gap in payments hospitals receive for serving low-income patients. Today, hospitals are provided special payments to help cover the costs of serving the uninsured; these supplements are called disproportionate share payments, DSH. The problem is that under current law urban providers can receive unlimited DSH payments, while rural providers' add-ons are capped. There is no sound policy reason for this disparity. My bill closes this gap by allowing rural providers to also receive unlimited DSH payments.

Third, this proposal would take steps to equalize another glaring Medicare disparity with no policy justification that provides larger hospitals a base payment amount 1.6 percent higher than rural hospitals. The Rural Health Care Improvement Act would address this disparity by increasing the rural hospital base payment amount to the level urban providers receive.

I am happy to say that these improvements to Medicare's inpatient hospital reimbursement, combined with our rural health care efforts from last year, would significantly reduce the rural/urban payment gap by increasing rural providers' Medicare margins to approximately 11.8 percent. In total, these changes would place our rural hospitals on much sounder financial footing.

In addition to Medicare changes, the Rural Health Care Improvement Act would also establish three new rural health care programs.

Our legislation would allow hospitals to apply for up to \$5 million to help cover the costs of repairing crumbling buildings. It is my hope these resources will help strengthen the infrastructure of our nation's rural hospitals.

In addition, our proposal would make \$100,000 per facility available to help rural hospitals update or purchase new technology. Often, with limited budgets, rural hospitals cannot afford to buy quality, up-to-date medical tools. This new program ensures rural citizens have access to modern and safe health care services.

Third, our bill would provide funding to help establish Telehealth Resource Centers. Today, larger telehealth networks often work with fledgling networks to provide technical assistance. This grant program would provide new resources to support this collaboration and further expand telehealth services into the most remote, rural communities.

Finally, the Rural Health Care Improvement Act also takes important steps to strengthen rural health clinics, RHCs. Today, there are more than 3,300 RHCs nationwide that provide

health care to thousands of rural residents. However, while we recognize the importance of these clinics, we also know that more than 50 percent of RHCs are being significantly underpaid for their services, according to recent data. My bill addresses this funding shortfall by increasing rural health clinic payments by 25 percent.

Thank you again to my Senate and House colleagues, as well as the organizations who worked with us, for your cooperation in developing this important health care proposal. It is my hope that this legislation will help to strengthen and sustain our nation's rural health care system.

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:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Health Care Improvement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RURAL MEDICARE REFORMS

Sec. 101. Medicare inpatient payment adjustment for low-volume hospitals.

Sec. 102. Fairness in the medicare disproportionate share hospital (DSH) adjustment for rural hospitals.

Sec. 103. Establishing a single standardized amount under the medicare inpatient hospital PPS.

Sec. 104. Hospital geographic reclassification for labor costs for all items and services reimbursed under medicare prospective payment systems.

Sec. 105. Treatment of certain physician pathology services under medicare.

Sec. 106. One-time opportunity of critical access hospitals to return to the medicare inpatient hospital PPS.

TITLE II—RURAL GRANT AND LOAN PROGRAMS FOR INFRASTRUCTURE, TECHNOLOGY, AND TELEHEALTH

Sec. 201. Capital infrastructure revolving loan program.

Sec. 202. High technology acquisition grant and loan program.

Sec. 203. Establishment of telehealth resource centers.

TITLE III—RURAL HEALTH CLINIC IMPROVEMENTS

Sec. 301. Improvement in rural health clinic reimbursement under medicare.

Sec. 302. Exclusion of certain rural health clinic and Federally qualified health center services from the medicare PPS for skilled nursing facilities.

TITLE I—RURAL MEDICARE REFORMS

SEC. 101. MEDICARE INPATIENT PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.

Section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) is amended by adding at the end the following new paragraph:

“(12) PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.—

“(A) PAYMENT ADJUSTMENT.—

“(i) IN GENERAL.—Notwithstanding any other provision of this section, for each cost reporting period (beginning with the cost reporting period that begins in fiscal year 2002), the Secretary shall provide for an additional payment amount to each low-volume hospital (as defined in clause (iii)) for discharges occurring during that cost reporting period to increase the amount paid to such hospital under this section for such discharges by the applicable percentage increase determined under clause (ii).

“(ii) APPLICABLE PERCENTAGE INCREASE.—The Secretary shall determine a percentage increase applicable under this paragraph that ensures that—

“(I) no percentage increase in payments under this paragraph exceeds 25 percent of the amount of payment that would otherwise be made to a low-volume hospital under this section for each discharge (but for this paragraph);

“(II) low-volume hospitals that have the lowest number of discharges during a cost reporting period receive the highest percentage increase in payments due to the application of this paragraph; and

“(III) the percentage increase in payments due to the application of this paragraph is reduced as the number of discharges per cost reporting period increases.

“(iii) LOW-VOLUME HOSPITAL DEFINED.—For purposes of this paragraph, the term ‘low-volume hospital’ means, for a cost reporting period, a subsection (d) hospital (as defined in paragraph (1)(B)) other than a critical access hospital (as defined in section 1861(mm)(1)) that—

“(I) the Secretary determines—

“(aa) had an average of less than 800 discharges during the 3 most recent cost reporting periods for which data are available that precede the cost reporting period to which this paragraph applies; and

“(bb) is located at least 15 miles from a similar hospital; or

“(II) the Secretary deems meets the requirements of subclause (I) by reason of such factors as the Secretary determines appropriate, including the time required for an individual to travel to the nearest alternative source of appropriate inpatient care (taking into account the location of such alternative source of inpatient care and any weather or travel conditions that may affect such travel time).

“(B) PROHIBITING CERTAIN REDUCTIONS.—Notwithstanding subsection (e), the Secretary shall not reduce the payment amounts under this section to offset the increase in payments resulting from the application of subparagraph (A).”.

SEC. 102. FAIRNESS IN THE MEDICARE DIS-PROPORTIONATE SHARE HOSPITAL (DSH) ADJUSTMENT FOR RURAL HOSPITALS.

(a) EQUALIZING DSH PAYMENT AMOUNTS.—

(1) IN GENERAL.—Section 1886(d)(5)(F)(vii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(vii)) is amended by inserting “, and, after October 1, 2001, for any other hospital described in clause (iv),” after “clause (iv)(I)”.

(2) CONFORMING AMENDMENTS.—Section 1886(d)(5)(F) of such Act (42 U.S.C. 1395ww(d)(5)(F)), as amended by section 211 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-483), as enacted into law by section 1(a)(6) of Public Law 106-554, is amended—

(A) in clause (iv)—

(i) in subclause (II), by inserting “or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)” after “clause (xiii)”;

(ii) in subclause (III), by inserting “or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)” after “clause (xii)”;

(iii) in subclause (IV), by inserting “or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)” after “clause (x) or (xi)”;

(iv) in subclause (V), by inserting “or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)” after “clause (xi)”;

(v) in subclause (VI), by inserting “or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)” after “clause (x)”;

(B) in clause (viii), by striking “The formula” and inserting “For discharges occurring before October 1, 2001, the formula”; and

(C) in each of clauses (x), (xi), (xii), and (xiii), by striking “For purposes” and inserting “With respect to discharges occurring before October 1, 2001, for purposes”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to discharges occurring on or after October 1, 2001.

SEC. 103. ESTABLISHING A SINGLE STANDARDIZED AMOUNT UNDER THE MEDICARE INPATIENT HOSPITAL PPS.

(a) IN GENERAL.—Section 1886(d)(3)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting “and ending on or before September 30, 2001,” after “October 1, 1995,”; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

“(v) For discharges occurring in the fiscal year beginning on October 1, 2001, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.

“(vi) For discharges occurring in a fiscal year beginning on or after October 1, 2002, the Secretary shall compute an average standardized amount for hospitals located in all areas within the United States equal to the average standardized amount computed under clause (v) or this clause for the previous fiscal year increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.”.

(b) CONFORMING AMENDMENTS.—

(1) UPDATE FACTOR.—Section 1886(b)(3)(B)(i)(XVII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVII)) is amended by striking “for hospitals in all areas,” and inserting “for hospitals located in a large urban area.”.

(2) COMPUTING DRG-SPECIFIC RATES.—

(A) IN GENERAL.—Section 1886(d)(3)(D) of such Act (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(i) in the heading, by striking “IN DIFFERENT AREAS”;

(ii) in the matter preceding clause (i)—

(I) by inserting “, for fiscal years before fiscal year 1997,” before “a regional DRG prospective payment rate for each region,”; and

(II) by striking “each of which is”;

(iii) in clause (i)—

(I) in the matter preceding subclause (I), by inserting “for fiscal years before fiscal year 2002,” before “for hospitals”; and

(II) in subclause (II), by striking “and” after the semicolon at the end;

(iv) in clause (ii)—

(I) in the matter preceding subclause (I), by inserting “for fiscal years before fiscal year 2002,” before “for hospitals”; and

(II) in subclause (II), by striking the period at the end and inserting “; and”;

(v) by adding at the end the following new clause:

“(iii) for a fiscal year beginning after fiscal year 2001, for hospitals located in all areas, to the product of—

“(I) the applicable average standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

“(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.”.

(B) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) of such Act (42 U.S.C. 1395ww(d)(3)) is amended in the matter preceding subparagraph (A), by inserting “, for fiscal years before fiscal year 1997,” before “a regional adjusted DRG prospective payment rate”.

SEC. 104. HOSPITAL GEOGRAPHIC RECLASSIFICATION FOR LABOR COSTS FOR ALL ITEMS AND SERVICES REIMBURSED UNDER MEDICARE PROSPECTIVE PAYMENT SYSTEMS.

Section 1886(d)(10)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(10)(D)), as amended by section 304(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-494), as enacted into law by section 1(a)(6) of Public Law 106-554, is amended by adding at the end the following new clause:

“(vii)(I) Any decision of the Board to reclassify a subsection (d) hospital for purposes of the adjustment factor described in subparagraph (C)(i)(II) for fiscal year 2001 or any fiscal year thereafter shall apply for purposes of adjusting payments for variations in costs that are attributable to wages and wage-related costs for PPS-reimbursed items and services.

“(II) For purposes of subclause (I), the term ‘PPS-reimbursed items and services’ means, for the fiscal year for which the Board has made a decision described in such subclause, each item and service for which payment is made under this title on a prospective basis and adjusted for variations in costs that are attributable to wages or wage-related costs that is furnished by the hospital to which such decision applies, or by a provider-based entity or department of that hospital (as determined by the Secretary).”.

SEC. 105. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1848(i) of the Social Security Act (42 U.S.C. 1395w-4(i)) is amended by adding at the end the following new paragraph:

“(4) TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.—

“(A) IN GENERAL.—With respect to services furnished on or after January 1, 2001, if an independent laboratory furnishes the technical component of a physician pathology service to a fee-for-service Medicare beneficiary who is an inpatient or outpatient of a covered hospital, the Secretary shall treat such component as a service for which payment shall be made to the laboratory under this section and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) or as a hospital outpatient service for which payment is made to the hospital under section 1834(t).

“(B) DEFINITIONS.—In this paragraph:

“(i) COVERED HOSPITAL.—

“(I) IN GENERAL.—The term ‘covered hospital’ means, with respect to an inpatient or outpatient, a hospital that had an arrangement with an independent laboratory that

was in effect as of July 22, 1999, under which a laboratory furnished the technical component of physician pathology services to fee-for-service medicare beneficiaries who were hospital inpatients or outpatients, respectively, and submitted claims for payment for such component to a carrier with a contract under section 1842 and not to the hospital.

“(II) CHANGE IN OWNERSHIP DOES NOT AFFECT DETERMINATION.—A change in ownership with respect to a hospital on or after the date referred to in subclause (I) shall not affect the determination of whether such hospital is a covered hospital for purposes of such subclause.

“(ii) FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term ‘fee-for-service medicare beneficiary’ means an individual who is entitled to benefits under part A, or enrolled under this part, or both, but who is not enrolled in any of the following:

“(I) A Medicare+Choice plan under part C.

“(II) A plan offered by an eligible organization under section 1876.

“(III) A program of all-inclusive care for the elderly (PACE) under section 1894.

“(IV) A social health maintenance organization (SHMO) demonstration project established under section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203).”.

(b) CONFORMING AMENDMENT.—Section 542 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-550), as enacted into law by section 1(a)(6) of Public Law 106-554, is repealed.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A-463 et seq.), as enacted into law by section 1(a)(6) of Public Law 106-554.

SEC. 106. ONE-TIME OPPORTUNITY OF CRITICAL ACCESS HOSPITALS TO RETURN TO THE MEDICARE INPATIENT HOSPITAL PPS.

(a) IN GENERAL.—Notwithstanding section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)), the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall pay each critical access hospital having an application approved under subsection (b)(2) under the prospective payment system for inpatient hospital services under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) rather than under such section 1814(l).

(b) ONE-TIME APPLICATION AND APPROVAL.—

(1) APPLICATION.—Not later than the date that is 6 months after the date of enactment of this Act, each eligible critical access hospital (as defined in subsection (c)) that desires to receive payment under the prospective payment system for inpatient hospital services under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) instead of receiving payment of the reasonable costs for such services under section 1814(l) of such Act (42 U.S.C. 1395f(l)) shall submit an application to the Secretary in such manner and containing such information as the Secretary may require.

(2) APPROVAL.—Not later than the date that is 3 months after the date on which the Secretary receives the application submitted under paragraph (1), the Secretary shall approve or deny the application.

(c) ELIGIBLE CRITICAL ACCESS HOSPITAL DEFINED.—In this section, the term “eligible critical access hospital” means a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))) that received payments under the prospective payment system for inpatient hospital services under section

1886(d) of such Act (42 U.S.C. 1395ww(d)) prior to its designation as a critical access hospital under section 1820(c)(2) of such Act (42 U.S.C. 1395i-4(c)(2)).

TITLE II—RURAL GRANT AND LOAN PROGRAMS FOR INFRASTRUCTURE, TECHNOLOGY, AND TELEHEALTH

SEC. 201. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM.

(a) IN GENERAL.—Part A of title XVI of the Public Health Service Act (42 U.S.C. 300q et seq.) is amended by adding at the end the following new section:

“CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM

“SEC. 1603. (a) AUTHORITY TO MAKE AND GUARANTEE LOANS.—

“(1) AUTHORITY TO MAKE LOANS.—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

“(A) the acquisition of land necessary for the capital improvements;

“(B) the renovation or modernization of any building;

“(C) the acquisition or repair of fixed or major movable equipment; and

“(D) such other project expenses as the Secretary determines appropriate.

“(2) AUTHORITY TO GUARANTEE LOANS.—

“(A) IN GENERAL.—The Secretary may guarantee the payment of principal and interest for loans made to rural entities for projects for any capital improvement described in paragraph (1) to any non-Federal lender.

“(B) INTEREST SUBSIDIES.—In the case of a guarantee of any loan made to a rural entity under subparagraph (A), the Secretary may pay to the holder of such loan and for and on behalf of the project for which the loan was made, amounts sufficient to reduce by not more than 3 percent of the net effective interest rate otherwise payable on such loan.

“(b) AMOUNT OF LOAN.—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed \$5,000,000.

“(c) FUNDING LIMITATIONS.—

“(1) GOVERNMENT CREDIT SUBSIDY EXPOSURE.—The total of the Government credit subsidy exposure under the Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed \$50,000,000 per year.

“(2) TOTAL AMOUNTS.—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed \$250,000,000 per year.

“(d) CAPITAL ASSESSMENT AND PLANNING GRANTS.—

“(1) NONREPAYABLE GRANTS.—Subject to paragraph (2), the Secretary may make a grant to a rural entity, in an amount not to exceed \$50,000, for purposes of capital assessment and business planning.

“(2) LIMITATION.—The cumulative total of grants awarded under this subsection may not exceed \$2,500,000 per year.

“(e) TERMINATION OF AUTHORITY.—The Secretary may not directly make or guarantee any loan under subsection (a) or make a grant under subsection (d) after September 30, 2006.”.

(b) RURAL ENTITY DEFINED.—Section 1624 of the Public Health Service Act (42 U.S.C. 300s-3) is amended by adding at the end the following new paragraph:

“(15)(A) The term ‘rural entity’ includes—

“(i) a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act;

“(ii) any medical facility with at least 1, but less than 50 beds that is located in—

“(I) a county that is not part of a metropolitan statistical area; or

“(II) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725));

“(iii) a hospital that is classified as a rural, regional, or national referral center under section 1886(d)(5)(C) of the Social Security Act; and

“(iv) a hospital that is a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of the Social Security Act).

“(B) For purposes of subparagraph (A), the fact that a clinic, facility, or hospital has been geographically reclassified under the medicare program under title XVIII of the Social Security Act shall not preclude a hospital from being considered a rural entity under clause (i) or (ii) of subparagraph (A).”.

(c) CONFORMING AMENDMENTS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q-2) is amended—

(1) in subsection (b)(2)(D), by inserting “or 1603(a)(2)(B)” after “1601(a)(2)(B)”; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by striking “section 1601(a)(2)(B)” and inserting “sections 1601(a)(2)(B) and 1603(a)(2)(B)”; and

(B) in paragraph (2)(A), by inserting “or 1603(a)(2)(B)” after “1601(a)(2)(B)”.

SEC. 202. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 1501 of the Children's Health Act of 2000 (Public Law 106-310; 114 Stat. 1146), is amended by adding at the end the following section:

“SEC. 330I. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, shall establish a high technology acquisition grant and loan program for the purpose of—

“(1) improving the quality of health care in rural areas through the acquisition of advanced medical technology;

“(2) fostering the development of the networks described in section 330A;

“(3) promoting resource sharing between urban and rural facilities; and

“(4) improving patient safety and outcomes through the acquisition of high technology, including software, information services, and staff training.

“(b) GRANTS AND LOANS.—Under the program established under subsection (a), the Secretary, acting through the Director of the Office of Rural Health Policy, may award grants and make loans to any eligible entity (as defined in subsection (d)(1)) for any costs incurred by the eligible entity in acquiring eligible equipment and services (as defined in subsection (d)(2)).

“(c) LIMITATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the total amount of grants and loans made under this section to an eligible entity may not exceed \$100,000.

“(2) FEDERAL SHARING.—

“(A) GRANTS.—The amount of any grant awarded under this section may not exceed 70 percent of the costs to the eligible entity in acquiring eligible equipment and services.

“(B) LOANS.—The amount of any loan made under this section may not exceed 90 percent of the costs to the eligible entity in acquiring eligible equipment and services.

“(d) DEFINITIONS.—In this section:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a hospital, health center, or any other entity that the Secretary determines is appropriate that is located in a rural area or region.

“(2) **ELIGIBLE EQUIPMENT AND SERVICES.**—The term ‘eligible equipment and services’ includes—

“(A) unit dose distribution systems;

“(B) software, information services, and staff training;

“(C) wireless devices to transmit medical orders;

“(D) clinical health care informatics systems, including bar code systems designed to avoid medication errors and patient tracking systems;

“(E) telemedicine technology; and

“(F) any other technology that improves the quality of health care provided in rural areas including systems to improve privacy and address administrative simplification needs.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2007.”.

SEC. 203. ESTABLISHMENT OF TELEHEALTH RESOURCE CENTERS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended by section 202, is amended by adding at the end the following:

“SEC. 330J. TELEHEALTH RESOURCE CENTERS.

“(a) **PROGRAM AUTHORIZED.**—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish telehealth resource centers in accordance with this section.

“(b) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a public or nonprofit private entity.

“(2) **TELEHEALTH.**—The term ‘telehealth’ means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

“(c) **AMOUNT.**—Each entity that receives a grant under subsection (a) shall receive an amount not to exceed \$1,500,000.

“(d) **EQUITABLE DISTRIBUTION.**—In awarding grants under subsection (a), the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geographical regions of the United States.

“(e) **PREFERENCE.**—In awarding grants under subsection (a), the Secretary shall give preference to eligible entities that have a demonstrated record of providing or supporting the provision of health care services for populations in rural areas.

“(f) **USE OF FUNDS.**—An entity that receives a grant under subsection (a) shall use funds from such grant to establish a telehealth resource center that shall—

“(1) provide technical assistance, training, and support to health care providers and a range of health care entities that provide or will provide telehealth services for a medically underserved community, including hospitals, ambulatory care entities, long-term care facilities, public health clinics, and schools;

“(2) provide for the dissemination of information and research findings related to the use of telehealth technologies;

“(3) provide for the dissemination of information regarding the latest developments in health care;

“(4) conduct evaluations to determine the best application of telehealth technologies

to meet the health care needs of the medically underserved community;

“(5) promote the integration of clinical information systems with other telehealth technologies;

“(6) foster the use of telehealth technologies to provide health care information and education for health care professionals and consumers in a more effective manner; and

“(7) provide timely and appropriate evaluations to the Office for the Advancement of Telehealth on lessons learned and best telehealth practices in any areas served.

“(g) **COLLABORATION.**—In providing the services described in subsection (f)(5), such entity shall collaborate, if feasible, with private and public organizations and centers or programs that receive Federal assistance and provide telehealth services.

“(h) **APPLICATION.**—An entity that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the manner in which the entity shall establish and administer a telehealth resource center to meet the requirements of this subsection; and

“(2) a description of the manner in which the activities carried out by such center will meet the health care needs of individuals in rural communities.

“(i) **REPORT.**—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report on each activity funded with a grant under this section.

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2002, \$30,000,000; and

“(2) for fiscal years 2003 through 2008, such sums as may be necessary.”.

TITLE III—RURAL HEALTH CLINIC IMPROVEMENTS

SEC. 301. IMPROVEMENT IN RURAL HEALTH CLINIC REIMBURSEMENT UNDER MEDICARE.

Section 1833(f) of the Social Security Act (42 U.S.C. 1395f) is amended—

(1) in paragraph (1), by striking “, and” at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) by striking “in a subsequent year” and inserting “in 1989 through 2001”; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) in 2002, at \$79 per visit; and

“(4) in a subsequent year, at the limit established under this subsection for the previous year increased by the percentage increase in the MEI (as so defined) applicable to primary care services (as so defined) furnished as of the first day of that year.”.

SEC. 302. EXCLUSION OF CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES FROM THE MEDICARE PPS FOR SKILLED NURSING FACILITIES.

(a) **IN GENERAL.**—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (2)(A)(i)(II), by striking “clauses (ii) and (iii)” and inserting “clauses (ii), (iii), and (iv)”; and

(2) by adding at the end of paragraph (2)(A) the following new clause:

“(iv) **EXCLUSION OF CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES.**—Services described in this clause are—

“(I) rural health clinic services (as defined in paragraph (1) of section 1861(aa)); and

“(II) Federally qualified health center services (as defined in paragraph (3) of such section);

that would be described in clause (ii) if such services were not furnished by an individual affiliated with a rural health clinic or a Federally qualified health center.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2002.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Rural Health Care Improvement Act of 2001 with Senator CONRAD and fellow Senate Rural Health Caucus members Senators ROBERTS, JOHNSON, HELMS, DORGAN, DOMENICI, DASCHLE, CRAPO, BINGAMAN, BOND, LINCOLN, COCHRAN, WELLSTONE, BURNS, ROCKEFELLER, HUTCHINSON, EDWARDS, HARKIN, and JEFFORDS. As always, it is important to note that rural health care legislation has a long history of bipartisan collaboration and cooperation.

I want to thank the National Rural Health Association, the Federation of American Hospitals, the National Association of Rural Health Clinics, the American Hospital Association and the College of American Pathologists for their work and support in this effort.

The Rural Health Care Improvement Act of 2001 will go a long way in addressing current inequities in the Medicare payment system that continually place rural providers at a disadvantage. This legislation recognizes the unique needs of rural hospitals and levels the playing field between rural and urban providers.

First, the bill equalizes Medicare Disproportionate Share Hospital, DSH, payments. These add-on payments help hospitals cover the costs of serving a high proportion of low-income and uninsured patients. While urban facilities can receive unlimited add-ons corresponding with the amount of these types of patients served, rural add-on payments are capped at 5.25 percent. The “Rural Health Care Improvement Act of 2001” eliminates the rural hospital cap, bringing their payments in line with the benefits urban facilities receive.

Second, this legislation closes the gap between urban and rural “standardized payment” levels. Inpatient hospital payments are calculated by multiplying several different factors, including a standardized payment amount. Under current law, hospitals located in cities with a population over 1 million receive a base payment amount 1.3 percent higher than those serving smaller populations, \$4,130 vs. \$4,197. This disparity is corrected in our bill by bringing the rural base payment up to the urban payment level.

Third, the bill recognizes that low-volume hospitals have a higher cost per case, which results in negative operating margins. To address this problem, the Rural Health Care Improvement Act of 2001 establishes a low-volume inpatient payment adjustment for hospitals that have less than 800 annual discharges per year and are located more than 15 miles from another

hospital. This provision will improve payments for approximately 900 rural facilities nationwide, which is just over one-third of all rural hospitals.

In addition to these Medicare payment reforms, this legislation strengthens the over 3,000 rural health clinics that serve many rural Americans. Under current law, rural health clinics receive an all-inclusive payment rate that is capped at approximately \$63. This payment has not been adjusted, except for inflation, since 1988. To recognize the rising costs of health care this bill raises the rural health clinic cap to \$79.

Certain provider services, such as those offered by physicians, nurse practitioners, physician assistants, and qualified psychologists are excluded from the consolidated payments made to skilled nursing facilities, SNFs, under the prospective payment system. However, the same services provided to SNFs by physicians and other providers employed by rural health clinics and federally qualified health centers are not excluded from the consolidated SNF payment. This bill includes a provision that ensures skilled nursing services, offered by rural health clinic and qualified health center providers, will receive the same payment treatment as services offered by providers employed in other settings.

It is time for the Federal Government to recognize that the "one payment system does not fit all." Rural providers care for patients under different circumstances than their urban counterparts and the Rural Health Care Improvement Act of 2001 ensures that rural hospitals, rural health clinics and qualified health centers are paid accurately and fairly. I strongly encourage all my colleagues with an interest in rural health to cosponsor this legislation.

Mr. BURNS. Mr. President, I rise today to detail my support of the Rural Health Care Improvement Act of 2001, which was introduced today by Senator CONRAD and is cosponsored by myself and a number of my colleagues from rural States across this Nation.

The Rural Health Care Improvement Act of 2001 will increase payments for low-volume hospitals, equalize Medicare Disproportionate Share, DSH, payments, close the gap between urban and rural "standardized payment" levels, streamline wage index re-classification, ensure rural communities access to independent lab services, provide grant and loan programs for infrastructure and technology improvement projects, and strengthen rural health clinics.

Those of us from rural and frontier areas recognize that rural health care is in a state of crisis. Through mismanagement of Medicare reimbursement policies and an unwillingness to truly evaluate the obstacles inherent in providing quality health care in rural areas, we have allowed rural health care to reach the brink of complete breakdown. The Rural Health

Care Improvement Act of 2001 will go a long way towards rectifying this dire situation.

The investments through the Rural Health Care Improvement Act of 2001 will address the kernel problem of health care in America. Next week the Senate will engage in a healthy debate about patients' rights legislation and it is likely that Congress will tackle Medicare reform within the near future as well. These arguments will be academic for many of my constituents if rural hospitals, clinics, and other providers across my State can no longer afford to serve their communities.

By passing the Rural Health Care Improvement Act of 2001, we can defuse the time bomb which is rural America's health care crisis. I urge each of my colleagues to consider this legislation carefully and hope for its prompt passage.

By Mr. FRIST (for himself, Mr. KERRY, Mr. HELMS, Mr. LEAHY, Mr. DURBIN, and Mr. CHAFEE):

S. 1032. A bill to expand assistance to countries seriously affected by HIV/AIDS, malaria, and tuberculosis; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, I have spoken several times over the last few months on what many consider to be the most pressing moral, humanitarian and public health crisis of modern times, the worldwide epidemic of HIV/AIDS. I have previously gone into great detail about the impact of the disease on families, communities, economies, and regional stability.

Sometimes we feel overwhelmed by the enormity of insolvable problems. We become inured to the tragedy, and look for problems we can more easily solve. But we must not turn away from the world-wide devastation of HIV/AIDS. Just consider this: right now, 36 million people are infected with HIV/AIDS a fatal infectious disease, mostly in developing countries. That number is more than the total combined populations of Virginia, Massachusetts, Tennessee, Maryland, Kentucky, Connecticut, New Mexico, Vermont and Nebraska. As of today, AIDS have orphaned 13 million children, more than the entire population of Illinois.

Compounding this burden, over 8 million people acquire tuberculosis each year, and 500 million more get malaria, both diseases that disproportionately affect the poorest countries. Frequently forgotten, malaria still kills a child every 40 seconds. Remember the horrific links between HIV/AIDS, TB and malaria. If you have AIDS you are much more likely to contract TB, and TB has become the greatest killer of those with AIDS. Similarly, if a person with HIV/AIDS contracts malaria, that person is more likely to die. And infectious diseases such as these cause 25 percent of all the deaths in the world today. But as Americans, we have many reasons to be proud of our response to the challenges.

The U.S. has been a leader in the global battles against AIDS, malaria

and TB. This year, we are spending over \$460 million on international AIDS assistance alone, not including research. This is approximately half of all the funds being spent on HIV/AIDS from all sources worldwide. In addition, we spend over \$250 million on international TB and malaria programs. But we, and the rest of the world, must do more. The U.N. estimates that for basic HIV/AIDS prevention, treatment and care programs in Africa alone, over \$3 billion will be required, and at least \$5 billion needed if specific anti-AIDS drugs are more widely used.

In Abuja, Nigeria, on April 26, U.N. Secretary General Kofi Annan called for a global "war chest" to combat HIV/AIDS, malaria and TB. Few thought that his call would so quickly be answered.

On May 11, just 2 weeks later, Senator LEAHY and I joined Secretary General Kofi Annan and Nigerian President Obasanjo as President Bush announced his intent to contribute \$200 million as seed money for a new global fund designed to provide grants for prevention, infrastructure development, care and treatment for AIDS, malaria and TB. And this is to be over and above our already substantial bilateral commitments.

Uniquely, it will be financed jointly by governments and the private sector, and will focus on integrated approaches to turning back, and eventually conquering these scourges. While emphasizing prevention, this new initiative will also seek to develop health infrastructures so necessary to deliver services. Importantly, it will also support science-based care and treatment programs, including provision of drugs, and support for those, such as orphans, who are affected by disease, not just infected by it.

And because of recent action by the pharmaceutical companies to slash prices of AIDS drugs in Africa, for the first time in history, the drugs that revolutionized AIDS care and treatment in the U.S. can become part of a comprehensive prevention and care strategy in many more countries. This global fund is a new idea, it isn't a U.S. fund, or a U.N. fund, or a World Bank fund. However, it builds on last year's landmark work and legislation spearheaded by Congressman JIM LEACH, Congresswoman BARBARA LEE, and Senator JOHN KERRY to establish a multilateral funding mechanism for HIV/AIDS.

A key component of the Global Fund will be the full participation of the private sector, including business, NGOs, foundations and individual citizens. The problem is so large that governments cannot do the work alone. Non-governmental organizations, both faith-based and secular will be critical in the delivery of prevention and care services and to quickly converting good intentions into practical programs on the ground. And use of the funds will be closely monitored to ensure that good public health and

science drive the programs and intellectual property rights are protected.

The legislation Senators KERRY, HELMS, LEAHY, DURBIN, and I are introducing today authorizes \$200 million for fiscal year 2002, and \$500 million for fiscal year 2003 to be appropriated for payment to the global trust fund. It will not substitute for, or reduce, resource levels otherwise appropriated for our excellent bilateral and multilateral HIV/AIDS, malaria and TB programs. This will be money well spent, it will save lives, and just as important, it will provide hope to the millions of people around the world who can do so much if given the prospect of a healthy future for themselves and their children.

Since the President was the first to announce our participation in the Global Fund for HIV/AIDS and Other Infectious Diseases, others have stepped up. France announced an initial contribution of \$128 million, the United Kingdom has promised \$106 million, and Japan is considering a significant commitment in the near future. Of particular interest, Winterthur-Credit Suisse has just announced a \$1 million contribution, and others in the global business community are expected to follow. Other companies and foundations are considering financial or in-kind contributions.

Kofi Annan himself has offered \$100,000 of his own money for the fund. I have also been told by U.N. Staff in New York that they have received many calls from private citizens asking how they can contribute. One gentleman from Virginia wants to send a check for \$600. I have been assured that he and others like him will not have long to wait. A tax-exempt account for donations and toll-free number for information are being created as I speak. I understand that negotiations are underway with United Way to see if it can use its vast outreach to encourage donations. This is terrific news.

Every American, and others throughout the world, should join this fight against the diseases that have too long threatened our children, destroyed families, and undermined economic development of dozens of nations. This is not just government's fight. It is all of our responsibility to conquer HIV/AIDS, malaria and TB and consign them to the waste-bin of history.

Last week I had the opportunity of meeting with a remarkable woman from Atlanta who contracted HIV/AIDS at age 16. Denise Stokes has struggled with the virus for 15 years. She described what it was like spending time in hospital intensive care units and what it was like to not have access to available drugs. She prayed that some day there would be a cure and watched, from the depth of her illness, as policymakers seemed unable to grapple with the public health and personal tragedy that was AIDS. She is now sharing her experiences with churches, college students, community and professional organizations—chal-

lenging us to follow her example—to embrace our moral obligation to reach out beyond our selves, our communities and beyond our own country borders to fully battle the infectious diseases that are destroying so many lives on our planet. Denise Stokes' message is one of rising to a challenge, and bringing hope to the sick and their loved ones. All America must rise to this historic challenge and join in sending a message of hope.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. CORZINE, Mr. WELLSTONE, Mr. BAYH, and Mr. CHAFEE):

S. 1033. A bill to amend the Federal Water Pollution Control Act to protect $\frac{1}{2}$ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes, to the Committee on Environment and Public Works.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DURBIN, Mr. DAYTON, Mr. WELLSTONE, Mr. DEWINE, Mr. VOINOVICH, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1034. A bill to amend the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 to require the Secretary of Transportation to promulgate and review regulations to ensure, to the maximum extent practicable, that vessels entering the Great Lakes do not spread nonindigenous aquatic species, to require treatment of ballast water and its sediments through the most effective and efficient techniques available, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1035. A bill to establish programs to protect the resources of and areas surrounding the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. STABENOW. Mr. President, I rise today to introduce three bills called the Great Lakes Initiative which are designed to protect the five Great Lakes.

The Great Lakes are one of our Nation's most precious natural resources. They contain one-fifth of the world's fresh water supply and provide safe drinking water to millions of people every day.

The Great Lakes also play a vital role in the economies of the Great Lakes States, including recreation,

tourism, commercial shipping, industrial and agriculture. That is why I am introducing legislation today to protect this vital resource for the use, benefit, and enjoyment of present and future generations of Americans.

Three bills make up this new Great Lakes Initiative: (1) the Great Lakes Water Protection Act; (2) the Great Lakes Ecology Protection Act; and (3) the Great Lakes Preservation Act.

The first bill, the Great Lakes Water Protection Act, would protect the Great Lakes from environmentally dangerous oil and gas drilling. I am pleased that this bill has strong bipartisan support in both the House and the Senate, with Senators FITZGERALD, LEVIN, CHAFEE, KOHL, FEINGOLD, DAYTON, CLINTON, DURBIN, WELLSTONE, BAYH, CORZINE, and BOXER as original cosponsors.

The Great Lakes support many fragile coastlines and wetlands. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake. These shorelines are also home to many rare and endangered plant and wildlife species, including the rare piping plover, Michigan monkey flower, Pitcher's thistle, and the dwarf lake iris.

The Great Lakes also play a vital role in the economies of the Great Lakes States. In particular, coastal communities rely heavily on the Great Lake's resources and natural beauty to support tourism and recreation activities. The most recent estimate shows that recreational fishing totaled \$1.5 billion in expenditures in Michigan alone.

Drilling in the Great Lakes could expose our valuable fresh water supply to serious contamination, cause serious environmental damage to the water and shoreline of the Great Lakes, and have crippling effects on Great Lakes communities that depend on tourism and recreation for their local economies. The Great Lakes Water Protection Act would prohibit new oil and gas drilling in the Great Lakes.

During the ban, the Environmental Protection Agency and National Academy of Sciences would conduct a two-year study examining the impacts on drilling on the environment, public health, the water supply, and local economies. Once the study is completed, Congress can analyze the results of the study and lift the ban on oil and gas drilling if it deems appropriate.

This bill would also provide \$50 million per year for park and shoreline conservation to the Great Lakes States to offset any lost oil royalty revenues during the ban on drilling.

The second bill, Great Lakes Ecology Protection Act, seeks to curb the influx of invasive species into the Great Lakes. I am pleased that this bill also has strong bipartisan support with Senators FITZGERALD, LEVIN, VOINOVICH, KOHL, FEINGOLD, DURBIN, DEWINE, DAYTON, WELLSTONE, SCHUMER, and BAYH as original cosponsors. The bill would

try to stop the importation of invasive species by prohibiting ballast water discharges in the Great Lakes and requiring sophisticated sterilization of ballast water tanks as well. This is based on a bipartisan bill in the House introduced by Congressman HOEKSTRA and Congressman BARCIA.

Invasive species have already damaged the Great Lakes in a number of ways. They have destroyed thousands of fish and threatened clean drinking water.

For example, Lake Michigan once housed the largest self-reproducing lake trout fishery in the entire world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago, has contributed greatly to the decline of trout and whitefish in the Great Lakes by feeding on and killing native trout species.

Today, lake trout must be stocked because they cannot naturally reproduce in the lake. Many Great Lakes States have had to place severe restrictions on catching yellow perch because invasive species such as the zebra mussel disrupt the Great Lakes' ecosystem and compete with yellow perch for food. The zebra mussel's filtration also increases water clarity, which may be making it easier for predators to prey upon the yellow perch. Moreover, tiny organisms like zooplankton that help form the base of the Great Lakes food chain, have declined due to consumption by exploding populations of zebra mussels.

The Great Lakes Ecology Protection Act would ban ballast water discharges in the Great Lakes. The bill would require ships to discharge ballast water and sterilize the ballast water tanks before entering the Great Lakes to prevent the introduction of any non-indigenous species. The act also would significantly increase funding for invasive species research and ballast water technology, by providing \$100 million in research grants over the next five years.

The research grants would encourage collaboration between the colleges and universities, and the shipping industry to help develop new and better ballast water purification technologies.

The third bill, the Great Lakes Preservation Act, would ban dangerous bulk water diversions while the Great Lakes Compact makes recommendations on how specifically to implement appropriate governing standards. This bill also has strong bipartisan support with Senators FITZGERALD, LEVIN, KOHL, FEINGOLD, DAYTON, SCHUMER, and BAYH as original co-sponsors.

Bulk water diversion could become a serious threat to the fresh water supplies of the Great Lakes in the future. We must stop this in our countries and negotiate with Canada to do the same.

Global water demand is doubling every 21 years, while only 1 percent of the water in the Great Lakes is renewed each year by precipitation or runoff. At the same time, scientists predict that by the end of the century,

Great Lakes water levels could decline by 1.5 to 8 feet due to increased evaporation; and within the next three decades we may see a decline by as much as 3 feet. This of course is in addition to the historic fluctuations in lake levels that can vary by as much as 6.5 feet.

The bill also would help provide new funding sources to preserve and restore historic Great Lakes lighthouses. Great Lakes lighthouses have helped mariners navigate the Great Lakes and find safe harbors for decades, and are an important part of the maritime history of the Great Lakes. Many of these lighthouses have historical or architectural significance, but are unfortunately in poor condition because of neglect and deterioration.

The Act would help find new funding sources to preserve the lighthouses by directing the National Park Service to Study the Great Lakes lighthouses and recommend the best course of action for preserving and restoring the lighthouses.

The Great Lakes are a precious natural resource not just to their neighboring States, but to the entire country. I urge my Senate colleagues to join me and protect this vital resource for the use, benefit, and enjoyment of present and future generations of Americans.

I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1033

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 "Great Lakes Water Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes contain $\frac{1}{5}$ of the world's fresh water supply;

(2) the Great Lakes basin is home to over 33,000,000 people and is a vital source of safe drinking water for millions of people;

(3) the Great Lakes support many wetlands, sand dunes, and other fragile coastal habitats;

(4) those coastal habitats are home to many endangered and threatened wildlife and plant species, including the piping plover, Pitcher's thistle, and the dwarf lake iris;

(5) the Great Lakes are crucial to the economies of the Great Lakes States for recreation, commercial shipping, and industrial and agriculture uses; and

(6) oil and gas development beneath the water in any of the Great Lakes could—

(A) expose a valuable fresh water supply of the United States to serious contamination; and

(B) cause serious environmental damage to the water and shoreline of the Great Lakes.

SEC. 3. EFFECTS OF OIL AND GAS DEVELOPMENT ON THE GREAT LAKES.

The Federal Water Pollution Control Act is amended by inserting after section 108 (33 U.S.C. 1258) the following:

"SEC. 108A. EFFECTS OF OIL AND GAS DEVELOPMENT ON THE GREAT LAKES.

"(a) DEFINITIONS.—In this section:

"(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

"(2) DRILLING ACTIVITY.—

"(A) IN GENERAL.—The term 'drilling activity' means any drilling to extract oil or gas from land beneath the water in any of the Great Lakes.

"(B) INCLUSIONS.—The term 'drilling activity' includes—

"(i) directional drilling (also known as 'slant drilling'); and

"(ii) offshore drilling.

"(3) GREAT LAKE.—The term 'Great Lake' means—

"(A) Lake Erie;

"(B) Lake Huron (including Lake Saint Clair);

"(C) Lake Michigan;

"(D) Lake Ontario (including the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude); and

"(E) Lake Superior.

"(4) GREAT LAKES STATE.—The term 'Great Lakes State' means each of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

"(b) INCENTIVES TO PREVENT DRILLING ACTIVITY.—

"(1) IN GENERAL.—To be eligible to receive an incentive grant under paragraph (2), a grant under section 601(a), or a grant under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12), a Great Lakes State shall not issue any oil or gas permit or lease for drilling activity.

"(2) INCENTIVE GRANTS.—

"(A) IN GENERAL.—For each fiscal year or portion of a fiscal year in which paragraph (1) is in effect, the Secretary of the Interior shall make grants to Great Lakes States.

"(B) USE OF GRANTS.—A Great Lakes State shall use a grant under this paragraph to carry out conservation activities in the State, including activities to conserve parkland and protect shores.

"(C) AMOUNT OF GRANTS.—For each fiscal year or portion of a fiscal year, the amount of a grant to a Great Lakes State under subparagraph (A) shall be equal to the product obtained by multiplying—

"(i) the amount available for grants under this paragraph for the fiscal year or portion of a fiscal year; and

"(ii) the ratio that—

"(I) the amount of funds that the Great Lakes State would have received, but for paragraph (1), from the sale of oil and gas from the Great Lakes during the fiscal year; bears to

"(II) the amount of funds that all Great Lakes States would have received, but for paragraph (1), from the sale of oil and gas from the Great Lakes during the fiscal year.

"(D) MAXIMUM AMOUNT OF GRANTS.—For each fiscal year, the Secretary of the Interior may make grants under this paragraph in an aggregate amount not to exceed \$50,000,000.

"(c) STUDY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall conduct a study to examine the known and potential environmental effects of drilling activity, including any effects on—

"(A) water quality (including the quality of drinking water);

"(B) the sediments and shorelines of the Great Lakes;

"(C) fish and other aquatic species, plants, and wildlife that are dependent on Great Lakes resources;

"(D) competing uses of water and shoreline areas of the Great Lakes; and

"(E) public health of local communities.

"(2) CONSULTATION.—In designing and conducting the study, the Administrator shall consult with—

“(A) the Secretary of Energy;
 “(B) the Administrator of the National Oceanic and Atmospheric Administration;
 “(C) the Chief of Engineers;
 “(D) the Great Lakes States; and
 “(E) as appropriate, representatives of environmental, industry, academic, scientific, public health, and other relevant organizations.

“(3) INDEPENDENT REVIEW.—Not later than 180 days after the date of enactment of this section, the Administrator shall enter into an agreement with the Academy under which the Administrator shall submit to the Academy, and the Academy shall review, the results of the study.

“(4) REPORT.—Not later than 1 year after the date of submission to the Academy of the study under paragraph (3), the Academy shall submit to the Administrator and Congress—

“(A) the study; and
 “(B) a report that describes the results of the review by the Academy (including any recommendations concerning the results of the study).

“(5) ACTION BY CONGRESS.—It is the sense of Congress that, after receiving the study and report under paragraph (4), Congress should—

“(A) review the study and report;
 “(B) conduct hearings concerning the impact of drilling activity; and
 “(C) determine whether to eliminate the condition under subsection (b)(1).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

S. 1034

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 “Great Lakes Ecology Protection Act”.

SEC. 2. BALLAST WATER TREATMENT REGULATIONS.

(a) IN GENERAL.—Section 1101(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by striking “(3) ADDITIONAL REGULATIONS.—In addition” and inserting the following:

“(3) REGULATIONS CONCERNING AQUATIC NUISANCE SPECIES.—

“(A) IN GENERAL.—The Secretary of Transportation shall, in consultation with the Secretary of the Interior, the Secretary of Commerce, the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Governors of States that border the Great Lakes, and in accordance with this paragraph, promulgate and review regulations to prevent, to the maximum extent practicable, the introduction and spread of aquatic nuisance species in the Great Lakes.

“(B) CONTENTS OF REGULATIONS.—The regulations promulgated under subparagraph (A)—

“(i) shall apply to all vessels capable of discharging ballast water (including vessels equipped with ballast water tank systems or other water tank systems) that enter the Great Lakes after operating on water outside of the Exclusive Economic Zone;

“(ii) shall ensure, to the maximum extent practicable, that ballast water containing aquatic nuisance species is not discharged into the Great Lakes (including by establishing the standard described in clause (iii));

“(iii) shall include a ballast water treatment standard for vessels that elect to carry

out ballast water management or treatment that, at a minimum, requires—

“(I) a demonstrated 95 percent volumetric exchange of ballast water; or

“(II) a ballast treatment that destroys not less than 95 percent of all animal fauna in a standard ballast water intake, as approved by the Secretary;

“(iv) shall protect the safety of each vessel (including crew and passengers);

“(v) shall include requirements on new vessel construction to ensure that vessels entering service after January 1, 2005, minimize the transfer of organisms;

“(vi) shall require vessels to carry out any discharge or exchange of ballast water within the Great Lakes only in compliance with the regulations;

“(vii) shall be promulgated after taking into consideration a range of vessel operating conditions, from normal to extreme;

“(viii) shall—

“(I) ensure that technologies and practices implemented under this section are environmentally sound treatment methods for ballast water and ballast sediments that prevent and control infestations of aquatic nuisance species; and
 “(II) include a detailed timetable for—

“(aa) the implementation of treatment methods determined to be technologically available and cost-effective at the time of the publication of the notice of proposed rulemaking; and
 “(bb) the development, testing, evaluation, approval, and implementation of additional technologically innovative treatment methods;

“(ix) shall provide for certification by the master of each vessel entering the Great Lakes that the vessel is in compliance with the regulations;

“(x) shall ensure compliance with the regulations, to the maximum extent practicable, through—

“(I) sampling or monitoring procedures;

“(II) the inspection of records;

“(III) the imposition of sanctions in accordance with subsection (g)(1); and

“(IV) the certification of ballast water treatment vendors and vessel vendors;

“(xi) shall be based on the best scientific information available;

“(xii) shall not supersede or adversely affect any requirement or prohibition pertaining to the discharge of ballast water into water of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

“(xiii) shall include such other requirements as the Secretary of Transportation considers appropriate.

“(C) REGULATORY SCHEDULE.—

“(I) NOTICE OF PROPOSED RULEMAKING.—

“(I) IN GENERAL.—Not later than 120 days after the date of enactment of the Great Lakes Ecology Protection Act, the Secretary of Transportation shall publish, in the Federal Register and through other means designed to reach persons likely to be subject to or affected by the regulations (including publication in local newspapers and by electronic means), a notice of proposed rulemaking concerning the regulations proposed to be promulgated under this paragraph.

“(II) FINAL REGULATIONS.—The Secretary of Transportation shall promulgate final regulations under this paragraph—

“(aa) with respect to the implementation of treatment methods described in subparagraph (B)(vii)(II)(aa), not later than 270 days after the date of enactment of the Great Lakes Ecology Protection Act; and

“(bb) with respect to the additional technologically innovative treatment methods described in subparagraph (B)(vii)(II)(bb), not later than the earlier of—

“(AA) the date established by the timetable under subparagraph (B)(vii)(II) for implementation of those methods; or

“(BB) 720 days after the date of enactment of the Great Lakes Ecology Protection Act.

“(III) REVIEW AND REVISION OF REGULATIONS.—Not later than 3 years after the date on which final regulations are promulgated under this subparagraph, and every 3 years thereafter, the Secretary shall review and revise as necessary, the regulations—

“(aa) to improve the effectiveness of the regulations; and

“(bb) to incorporate better management practices and ballast water treatment standards and methods.

“(IV) PUBLIC PARTICIPATION.—The Secretary of Transportation shall—

“(aa) provide not less than 120 days for public comment on the proposed regulations; and

“(bb) provide for an effective date that is not less than 30 days after the date of publication of the final regulations.

“(4) ADDITIONAL REGULATIONS.—In addition”.

(b) DEFINITION OF TREATMENT METHOD.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating paragraphs (13), (14), (15), (16), and (17) as paragraphs (14), (15), (16), (17), and (18), respectively; and

(2) by inserting after paragraph (12) the following:

“(13) ‘treatment method’ means a method for treatment of the contents of a ballast water tank (including the sediments within the tank) to remove or destroy nonindigenous organisms through—

“(A) filtration;

“(B) the application of biocides or ultraviolet light;

“(C) thermal methods; or

“(D) other treatment techniques that meet applicable ballast water treatment standards, as approved by the Secretary;”.

SEC. 3. INVASIVE SPECIES AND BALLAST WATER TECHNOLOGIES RESEARCH GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, is authorized to award Invasive Species and Ballast Water Technologies Research Grants.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to—

(1) study the impact of invasive species on the environment of the Great Lakes region; and

(2) develop technologies and treatment methods, including ballast water tank technology, designed to destroy or remove invasive species.

(c) ELIGIBLE RECIPIENTS.—

(1) IN GENERAL.—The Secretary may award grants under subsection (a) to any post-secondary educational institution in the United States.

(2) SPECIAL CONSIDERATION FOR INSTITUTIONS COLLABORATING WITH INDUSTRY.—In awarding grants under subsection (a), the Secretary shall give special consideration to post-secondary educational institutions that work collaboratively with members of the United States shipping industry to carry out an activity for which grant funds may be used under subsection (b).

(d) AVAILABILITY AND MARKETING OF TECHNOLOGY.—In awarding grants under subsection (a), the Secretary shall ensure that

to the greatest extent practicable, technologies and treatments developed as the result of a grant awarded under subsection (a) are made commercially available.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the provisions of this section \$100,000,000 for the period of fiscal year 2002 through fiscal year 2006.

S. 1035

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 “Great Lakes Preservation Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes are precious public natural resources, and are renewable but finite bodies of water that should be protected, conserved, and managed for the use, benefit, and enjoyment of all present and future generations of people of the United States;

(2) the Great Lakes are crucial to the economies of the Great Lakes States for recreation, commercial shipping, industrial, and agricultural uses;

(3) the Great Lakes contain 1/5 of the world's fresh water supply and are a vital source of safe drinking water for millions of people;

(4) the Great Lakes Charter of 1985 is a voluntary international agreement that provides the procedural framework for notice and consultation by the Great Lakes States and the Great Lakes Provinces concerning the diversion of the water of the Great Lakes basin;

(5) the Governors of the Great Lakes States and the Premiers of the Great Lakes Provinces have based decisions on proposals to withdraw, divert, or use Great Lakes water on the extent to which the proposals conserve and protect water and water-dependent natural resources of the Great Lakes basin; and

(6) decisionmaking concerning Great Lakes water should remain vested in the Governors of the Great Lakes States, who manage the water and resources on a day-to-day basis.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **BULK FRESH WATER.**—The term “bulk fresh water” means fresh water extracted in quantities intended for transportation by tanker or similar form of mass transportation, without further processing.

(3) **FROM THE GREAT LAKES BASIN.**—The term “from the Great Lakes basin”, with respect to water, means—

(A) water from Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, Lake St. Clair, or Lake Superior;

(B) water from any interconnecting waterway within any watercourse that drains into or between any of those lakes; and

(C) water from a tributary surface or underground channel or area that drains into or comprises part of any watershed that drains into any of those lakes.

(4) **GREAT LAKE.**—The term “Great Lake” means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario (including the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude); and

(E) Lake Superior.

(5) **GREAT LAKES PROVINCE.**—The term “Great Lakes Province” means the Province of Ontario or Quebec, Canada.

(6) **GREAT LAKES STATE.**—The term “Great Lakes State” means the State of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, or Wisconsin.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. MORATORIUM ON EXPORT OF BULK FRESH WATER.

(a) **IN GENERAL.**—Bulk fresh water from the Great Lakes basin shall not be exported from the United States.

(b) **SUNSET PROVISION.**—Subsection (a) shall cease to be effective on the date of enactment of an Act of Congress approving the operation of a mechanism and conservation standard for making decisions concerning the withdrawal, diversion, and use of water of the Great Lakes that has been agreed to by each of the Governors of the Great Lakes States, acting in cooperation with the Premiers of the Great Lakes Provinces.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the Federal Government should enter into an agreement with the Government of Canada stating that the United States and Canada shall abide by the terms of the moratorium under subsection (a) until the date specified in subsection (b).

SEC. 5. PRESERVATION OF HISTORIC GREAT LAKES LIGHTHOUSES.

(a) **FINDINGS.**—Congress finds that—

(1) the Great Lakes have greatly influenced settlement, commerce, transportation, industry, and recreation throughout the rich maritime history of the Great Lakes States;

(2) lighthouses in Great Lakes States have helped mariners navigate dangerous shoals and find safe harbors for decades and are an important part of the maritime history of the Great Lakes;

(3) many of the lighthouses have historical or architectural significance; and

(4) the future of the lighthouses is uncertain because many are in poor condition because of neglect and deterioration.

(b) **STUDY.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall conduct and submit to Congress a study to identify options to preserve the lighthouses in the Great Lakes States.

(c) **PROCEDURE.**—In conducting the study under subsection (b), the Secretary shall—

(1) review programs, policies, and standards of the National Park Service to determine the most appropriate means of ensuring that the lighthouses (including any associated natural, cultural, and historical resources) are preserved; and

(2) consult with—

(A) State and local historical associations and societies in the Great Lakes States;

(B) historic preservation agencies in the Great Lakes States;

(C) the Commandant of the Coast Guard; and

(D) other appropriate entities.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. LEVIN. Mr. President, I am pleased to join Senator STABENOW, in introducing 3 pieces of legislation to help protect the nation's largest source of fresh water—the Great Lakes.

The first bill, The Great Lakes Water Protection Act, will prevent new oil and gas drilling beneath the lakes until the EPA, in cooperation with the National Academy of Science, the Great

Lakes States, and other interested parties, is able to study the impacts that drilling may have to water quality, fish and wildlife habitat, drinking water, and other coastal land-use activities.

It is just not worth taking a chance on harming this critical resource for a small amount of oil and natural gas.

Slant drilling, while a more environmentally friendly method than the traditional drilling methods, is imperfect. Wells can blow out and equipment can be damaged. Because just one quart of oil can contaminate up to two million gallons of drinking water, the risk of drilling is especially acute when these wells are located directly next to the Great Lakes which serve as the source of drinking water for so many communities. According to a recent study by the Lake Michigan Federation, the normal slant drilling process could result in ground water contamination, surface water pollution, and the release of hazardous gases. If an accident were to occur, an oil or natural gas spill could impact Michigan's sensitive wetlands, sand dunes, and wildlife habitat. Oil leaked or washed into the Lakes would affect fish species, especially in the sensitive near-shore spawning and nursery areas, detrimentally impacting the Great Lakes commercial and recreational fisheries. We surely need to thoroughly review all possible risks before making decisions that could chance these irreplaceable natural resources.

Additionally, there are existing human activities along the Great Lakes' coasts, and we need to find out how drilling activities could impact those communities. Even advocates of drilling admit that some damage at shore-line drilling sites is inevitable. Drilling requires the construction of new infrastructure such as drilling rigs and sites, storage tanks, and new pipelines. These facilities can deter tourism and hinder local community development.

Our pristine Great Lakes coastline is valuable to the tourism industry in Michigan while the Great Lakes' energy potential is very small. Since the first U.S. well was drilled under Lake Michigan in 1979, only 438,000 barrels of oil and about 17.5 billion cubic feet of natural gas have been produced. This is not even a drop in the bucket compared to the Nation's annual energy consumption of 20 million barrels of oil per day and 65 billion cubic feet of natural gas per day. In contrast, Great Lakes recreational fishers spend \$1.4 billion annually on gear and lake trips. The thousands of hikers, birdwatchers, beach-goers and other recreational users enjoying the Great Lakes shoreline and coastal waters contribute millions of dollars to local economies.

I believe that if this country should focus more on advancing alternative fuels. In Michigan, we can advance environmental quality and economic growth by supporting research into advanced technology vehicles.

I encourage my colleagues to support this important legislation. There is

simply too much at stake to risk the Great Lakes and their shoreline.

The second piece of legislation, The Great Lakes Water Protection Act, prohibits bulk fresh water from the Great Lakes basin to be exported from the United States until a conservation standard governing withdrawals, diversion, and use of Great Lakes water is in place. The Great Lakes hold nearly 20% of the world's supply of freshwater.

As this legislation clearly states, the Great Lakes Governors currently have the authority to veto proposals to divert water from the Great Lakes outside the basin. However, the existing process over out-of-basin water diversions may be subject to an international trade dispute. So as the global water demand doubles every 21 years, we need a back up conservation strategy.

Additionally, this legislation authorizes the National Park Service to complete a resource study outlining options for the preservation of lighthouses in the Great Lakes. There are 120 Michigan lighthouses, and approximately 70 of these structures will be surplus property over the next 10 years. Under legislation that I sponsored last year, these historic treasures will be smoothly transferred from government ownership, and the Secretary of the Department of the Interior, through the National Park Service, is authorized to establish a historic lighthouse preservation program. The bill we are introducing today reinforces the government's commitment to preserving these historic structures.

Lastly, I am cosponsoring the Great Lakes Ecology Protection Act to attempt to control one of the most expensive and environmentally dangerous problems facing the Great Lakes—aquatic nuisance species.

Nearly 150 nonindigenous aquatic species have been accidentally introduced into the Great Lakes in the past century. Most of the recent invasive species have been transported to the Lakes in commercial ships' ballast water. In 1990 and 1996 Congress enacted legislation which slowed down the introduction of aquatic nuisance species in the Great Lakes, however, approximately 1 new non-native organism enters the Lakes each year.

This legislation that I am cosponsoring is designed to prevent these invaders from coming into the Great Lakes and to control the movement of organisms once they have been introduced into the Lakes. The Coast Guard needs to design a standard for vessels capable of discharging ballast water in the Great Lakes that ensures that ballast water containing aquatic species are not discharged in the Great Lakes. The Coast Guard needs to establish a Ballast Treatment Performance Standard which will provide flexibility for industry to utilize and improve technology in order to meet that standard in whatever manner they want. Additionally, this legislation authorizes up to \$100 million for invasive species and

ballast water technologies research grants.

I encourage the rest of my colleagues to support legislative efforts to control aquatic nuisance species. In 2002, the National Invasive Species Act of 1996 expires, and Congress will be tasked with improving and reauthorizing this legislation. I believe that a national reauthorization is important to create a unified approach rather than forcing the States to enact individual standards for ships in an attempt to control aquatic nuisance species. However, if efforts to reauthorize a national program should stall, I believe that this legislation will help protect the Great Lakes from aquatic invaders.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DEWINE, Mr. DORGAN, Mr. DASCHLE, Mr. KOHL, Mr. LUGAR, Mr. KENNEDY, Mr. JOHNSON, Mr. CONRAD, Ms. LANDRIEU, and Mr. DAYTON):

S. 1036. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, together with a bipartisan group of colleagues, I am pleased to be introducing this legislation to address two of the most glaring problems facing children across the globe: malnutrition and the lack of educational opportunity. I very much appreciate the opportunity to work with Senator LEAHY and Senator LUGAR, who have so strongly supported nutrition assistance for many years, in developing this legislation.

An estimated 300 million poor children around the world either do not receive food at school or do not go to school at all. About 130 million of the world's children, 60 percent of them girls, are presently not attending school. With the abundance of food here in America and in other nations, this reality is absolutely unconscionable.

Our bill, the George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001, will provide U.S. agricultural commodities and other assistance to boost child nutrition in connection with educational programs in developing countries.

I salute former Senators George McGovern and Bob Dole for their work in promoting the Global Food for Education Initiative, and President Clinton for recognizing its merits early on and beginning a pilot project for this year.

The bill permanently adds this new program to existing U.S. foreign food assistance programs, such as P.L. 480 and Food for Progress.

Our bill will apply the producing power of American farmers and agriculture-related industries to help families, villages and even nations escape

the treadmill of poverty by supporting both improved nutrition and education for children. It also offers nutritious food and learning as an alternative to sending children down the dead-end path of exploitive work in sweatshops, mines or factories.

The International Food for Education and Child Nutrition Program established in this legislation will be carried out through private nonprofit groups, cooperatives, and intergovernmental organizations. Under the bill, USDA will purchase U.S. commodities and cover the costs of making them available in developing countries to provide nutrition for children in connection with educational programs. Funding would begin at \$300 million in fiscal 2002 and increase to \$750 million in fiscal 2006.

The problems of global malnutrition and limited education are so large that participation by other countries is crucially important. Accordingly, this bill specifically encourages other donor countries and the private sector to support the program. If concerned nations will come together and make a firm commitment, we can end child hunger, child poverty and exploitive child labor and lift families and nations from poverty.

This bill continues our Nation's proud tradition of helping to build a better future for children in developing countries and I am proud we are introducing it today. I strongly urge my colleagues to support this important legislation and 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. 1036

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 "George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001".

SEC. 2. INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) is amended by adding at the end the following:

"SEC. 417. INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE COMMODITY.—The term 'eligible commodity' means—

"(A) an agricultural commodity; and

"(B) a vitamin or mineral produced—

"(i) in the United States; or

"(ii) in limited situations determined by the Secretary, outside the United States.

"(2) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means a private voluntary organization, cooperative, or intergovernmental organization, as determined by the Secretary.

"(3) PROGRAM.—The term 'Program' means the International Food for Education and Child Nutrition Program established under subsection (b)(1).

"(4) RECIPIENT COUNTRY.—The term 'recipient country' means 1 or more developing

countries covered by a plan approved under subsection (d)(1)(A)(ii).

“(b) PROGRAM ESTABLISHMENT.—

“(1) IN GENERAL.—In cooperation with other countries, the Secretary shall establish, and the Department of Agriculture shall act as the lead Federal agency for, the International Food for Education and Child Nutrition Program, through which the Secretary shall provide to eligible organizations eligible commodities and technical and nutritional assistance for pre-school and school-age children in connection with education programs to improve food security and enhance educational opportunities for pre-school age and primary-school age children in recipient countries.

“(2) ADMINISTRATION.—In carrying out the Program, the Secretary may use the personnel and other resources of the Food and Nutrition Service and other agencies of the Department of Agriculture.

“(c) PURCHASE AND DONATION OF ELIGIBLE COMMODITIES AND PROVISION OF ASSISTANCE.—

“(1) IN GENERAL.—Under the Program, the Secretary shall enter into agreements with eligible organizations—

“(A) to purchase, acquire, and donate eligible commodities to eligible organizations; and

“(B) to provide technical and nutritional assistance.

“(2) OTHER DONOR COUNTRIES.—Consistent with the Program, the Secretary shall encourage other donor countries, directly or through eligible organizations—

“(A) to donate goods and funds to recipient countries; and

“(B) to provide technical and nutritional assistance to recipient countries.

“(3) PRIVATE SECTOR.—The President and the Secretary are urged to encourage the support and active involvement of the private sector, foundations, and other individuals and organizations in programs and activities assisted under this section.

“(d) PLANS AND AGREEMENTS.—

“(1) IN GENERAL.—To be eligible to receive eligible commodities and assistance under this section, an eligible organization shall—

“(A)(i) submit to the Secretary a plan that describes the manner in which—

“(I) the eligible commodities and assistance will be used in 1 or more recipient countries to meet the requirements of this section; and

“(II) the role of the government in the recipient countries in carrying out the plan; and

“(ii) obtain the approval of the Secretary for the plan; and

“(B) enter into an agreement with the Secretary establishing the terms and conditions for use of the eligible commodities and assistance.

“(2) MULTIYEAR AGREEMENTS.—

“(A) IN GENERAL.—An agreement under paragraph (1)(B) may provide for eligible commodities and assistance on a multiyear basis.

“(B) LOCAL CAPACITY.—The Secretary shall facilitate, to the extent the Secretary determines is appropriate, the development of agreements under paragraph (1)(B) that, on a multiyear basis, strengthen local capacity for implementing and managing assistance programs.

“(3) STREAMLINED PROCEDURES.—The Secretary shall develop streamlined procedures for the development, review, and approval of plans submitted under paragraph (1)(A) by eligible organizations that demonstrate organizational capacity and the ability to develop, implement, monitor, and report on, and provide accountability for, activities conducted under this section.

“(4) GRADUATION.—An agreement under paragraph (1)(B) shall include provisions—

“(A)(i) to sustain the benefits to the education, enrollment, and attendance of children in schools in the targeted communities when the provision of commodities and assistance to a recipient country under the Program terminates; and

“(ii) to estimate the period of time required for the recipient country or eligible organization to provide assistance described in subsection (b)(1) without additional assistance provided under this section; or

“(B) to otherwise provide other long-term benefits to the targeted populations.

“(e) EFFECTIVE USE OF ELIGIBLE COMMODITIES.—The Secretary shall ensure that each eligible organization—

“(1) uses eligible commodities made available under this section effectively, in the areas of greatest need, and in a manner that promotes the purposes of this section;

“(2) in using assistance provided under this section, assesses and takes into account the nutritional and educational needs of participating pre-school age and primary-school age children;

“(3) to the maximum extent practicable, uses the lowest cost means of delivering eligible commodities and providing other assistance authorized under the Program;

“(4) works with recipient countries and indigenous institutions or groups in recipient countries to design and carry out mutually acceptable food and education assistance programs for participating pre-school age and primary-school age children;

“(5) monitors and reports on the distribution or sale of eligible commodities provided under this section using methods that will facilitate accurate and timely reporting;

“(6) periodically evaluates the effectiveness of the Program, including evaluation of whether the food security and education purposes can be sustained in a recipient country if the recipient country is gradually terminated from the assistance in accordance with subsection (d)(4); and

“(7) considers means of improving the operation of the Program by the eligible organization and ensuring and improving the quality of the eligible commodities provided under this section, including improvement of the nutrient or micronutrient content of the eligible commodities.

“(f) INTERAGENCY COORDINATION ON POLICY GOALS.—The Secretary shall consult and collaborate with other Federal agencies having appropriate expertise in order to provide assistance under this section to promote equal access to education to improve the quality of education, combat exploitative child labor, and advance broad-based sustainable economic development in recipient countries.

“(g) SALES AND BARTER.—

“(1) IN GENERAL.—Notwithstanding subsection (d)(1)(A), with the approval of the Secretary, an eligible organization may—

“(A) acquire funds or goods by selling or bartering eligible commodities provided under this section within the recipient country or countries near the recipient country; and

“(B) use the funds or goods to improve food security and enhance educational opportunities for pre-school age and primary-school age children within the recipient country, including implementation and administrative costs incurred in carrying out this subsection.

“(2) PAYMENT OF ADMINISTRATIVE COSTS.—An eligible organization that receives payment for administrative costs under paragraph (1) shall not be eligible to receive payment for the same administrative costs under subsection (h)(3).

“(h) ELIGIBLE COSTS.—Subject to subsections (d)(1) and (m), the Secretary shall pay all or part of—

“(1) the costs and charges described in paragraphs (1) through (5) and (7) of section 406(b) with respect to an eligible commodity;

“(2) the internal transportation, storage, and handling costs incurred in moving the eligible commodity, if the Secretary determines that—

“(A) payment of the costs is appropriate; and

“(B) the recipient country is a low income, net food-importing country that—

“(i) meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference; or

“(ii) has a national government that is committed to or is working toward, through a national action plan, the World Declaration on Education for All convened in 1990 in Jomtien, Thailand, and the follow-up Dakar Framework for Action of the World Education Forum in 2000; and

“(3) the projected costs of an eligible organization for administration, sales, monitoring, and technical assistance under a plan approved by the Secretary under subsection (d)(1)(A) (including an itemized budget), taking into consideration, as determined by the Secretary—

“(A) the projected amount of such costs itemized by category; and

“(B) the projected amount of assistance received from other donors.

“(i) DISPLACEMENT.—Subsections (a)(2), (b), and (h) of section 403 shall apply to this section.

“(j) AUDITS AND TRAINING.—The Secretary shall take such actions as are necessary to support, monitor, audit, and provide necessary training in proper management under the Program.

“(k) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes—

“(1) the results of the implementation of the Program during the applicable year, including the impact on the enrollment, attendance, and performance of children in primary schools targeted under the Program; and

“(2) the level of commitments by, and the potential for obtaining additional goods and assistance from, other countries for the purposes of this section during subsequent years.

“(l) INDEPENDENCE OF AUTHORITIES.—Each authority granted under this section shall be in addition to, and not in lieu of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

“(m) FUNDING.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), for each of fiscal years 2002 through 2006, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

“(2) FISCAL YEAR LIMITATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the amount of funds of the Commodity Credit Corporation uses to carry out this section shall not exceed—

“(i) \$300,000,000 for fiscal year 2002; or

“(ii) \$400,000,000 for each of fiscal years 2003 through 2006.

“(B) PARTICIPATION BY DONOR COUNTRIES.—If the Secretary determines for any of fiscal years 2004 through 2006 that there is adequate participation in the Program by donor countries, in lieu of the maximum amount authorized for that fiscal year under subparagraph (A)(ii), the amount of funds of the

Commodity Credit Corporation uses to carry out this section shall not exceed—

- “(i) \$525,000,000 for fiscal year 2004;
- “(ii) \$625,000,000 for fiscal year 2005; or
- “(iii) \$750,000,000 for fiscal year 2006.

“(3) USE LIMITATIONS.—Of the funds provided under paragraph (2), the Secretary may use to carry out subsection (h)(3), not more than—

- “(A) \$40,000,000 for fiscal year 2002;
- “(B) \$50,000,000 for fiscal year 2003;
- “(C) \$60,000,000 for fiscal year 2004;
- “(D) \$70,000,000 for fiscal year 2005; or
- “(E) \$80,000,000 for fiscal year 2006.”.

SEC. 3. CONFORMING AMENDMENTS.

(a) Section 401(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731(a)) is amended by inserting “(other than section 417)” after “this Act” each place it appears.

(b) Section 404(b)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734(b)(4)) is amended by inserting “with respect to agreements entered into under this Act (other than section 417),” after “(4)”.

(c) Section 406(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(d)) is amended by inserting “(other than section 417)” after “this Act”.

(d) Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by inserting “(other than section 417)” after “this Act”.

(e) Section 412(b)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f(b)(1)) is amended by inserting “(other than section 417)” after “this Act” each place it appears.

Mr. LEAHY. Mr. President, today we introduce the George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001.

This is a momentous day for needy children around the world. And it is America's opportunity to embark on a bold venture that can have unexpected benefits, and advance world peace and understanding.

The name of our legislation honors two great leaders, and two great friends, Ambassador George McGovern and Senator Bob Dole. It was a privilege for me to serve on the Senate Agriculture, Nutrition and Forestry Committee with both of them for many years. I have known both of them for years and they know that each hungry child is an empty promise.

Nutrition is the key not only to health but to education and economic progress in many developing societies. This initiative taps America's agricultural bounty to become a catalyst for real and lasting change in many struggling nations. This bill can literally change the world.

I am thrilled that Chairman TOM HARKIN will join with ranking member DICK LUGAR and me on this Senate bill. It would be hard to find, in the last 13 years, a nutrition or agriculture bill sponsored by Senator LUGAR, Senator HARKIN and me—that is not now the law of the land.

We are pleased to have Senator DEWINE with us in this effort. I work with him on the Judiciary Committee and I know he is a strong fighter for children. Senators KOHL, DORGAN, DASHLE, KENNEDY, DURBIN, CONRAD, JOHNSON, LANDRIEU, and DAYTON are

also on the bill. Each, in their own right, are leaders in protecting children.

This bill will make private voluntary organizations and the World Food Program full partners with USDA in implementing this bold education and child nutrition vision. I want to make clear that the bill unambiguously provides that PVOs are full partners with USDA, just as the WFP will be.

Ambassador George McGovern has said about this effort that, “Dollar for dollar it is the best investment we can make in creating a healthier, better educated and more effective global citizenry.” He spoke of how the program would be of “enormous benefit” to the education of girls, since in Third World countries parents will also send girls to school if meals are offered.

I want to point out that one Catholic Relief Services project offering meals and education in Ghana has seen the “number of girls enrolled in school jump by 88 percent, and their attendance rose by 50 percent.” In Pakistan, the World Food Program offered cooking oil to families if they sent their children, especially girls, to school. The parents' response was overwhelming and the “enrollment of girls has doubled.” In similar projects in Niger “girls' attendance rose by 75 percent, and by 100 percent in Morocco.”

This is clearly a great idea for children who otherwise may have no hope, and no future.

Most beginnings rarely seem momentous at the time, and then, looking back, every detail is studied by students and scholars and meaning is attached to every step. I want to chronicle some aspects of this beginning when memories are fresh.

I will again mention my good friend Ambassador George McGovern. First, I appreciate that President George W. Bush decided to keep George McGovern on as Ambassador to the U.N. food agencies in Rome, Italy. This demonstrated a keen bipartisan spirit, and the best choice for the job.

Last year, George McGovern authored a paper setting forth a bold vision for a multinational effort to provide meals to children in school settings. He is an expert having worked on school lunch issues during his eighteen years on the Agriculture, Nutrition and Forestry Committee, as a Director of the Food for Peace program, and now as U.S. Ambassador to the U.N. food agencies.

He further explained this bold vision at Senate Agriculture Committee hearing on July 27, 2000. What a pleasure it was for me to listen to both Ambassador McGovern and Former Majority Leader Bob Dole at this hearing presided over by my friend and colleague, then Chairman DICK LUGAR. The hearing featured two giants in the history of nutrition programs adding another chapter to their legacies, under the watchful eye of a very decent, intelligent, and understanding Senator, Senator LUGAR, who cares about the state of the world.

At the hearing, George McGovern said that “if we could achieve the goal of reaching 300 million hungry children with one good meal every day, that would transform life on this planet.” He pointed out another significant benefit in that “it would raise the income of American farmers and those in other countries that have farm surpluses.”

Senator Dole, another giant in the history of nutrition programs, supported this vision and commended the Clinton administration for launching a \$300 million school feeding pilot program to feed hungry children throughout the world. He said, “I can think of no better solution to the problem [of agricultural surpluses] than to support a program that will help our farmers while putting food in the stomachs of desperately hungry and malnourished children.”

This brings me to another leading player in this bipartisan effort, former President William Clinton. He elevated these issues by raising the idea at the G8 meeting in Okinawa, Japan, in July, 2000. He urged the eight industrialized democracies at the start of the new millennium to contribute some of their wealth, natural resources and goodness to help the next generation of the world. The President announced this \$300 million Global Food for Education Initiative to feed hungry children and pledged to work with other nations to seek support and contributions from them. This gave the McGovern-Dole proposal new force and captured the interest and attention of other nations. The President's staff, including Tom Friedman and chief of staff John Podesta, worked diligently to get this program off the ground and dedicated career staff at USDA, including Richard Fritz and Mary Chambliss, worked long hours to launch the President's initiative.

At that same hearing, then Secretary Dan Glickman noted that worldwide 120 million children are not enrolled in school and that tens of millions drop out before achieving basic literacy. He explained how a global school meals program would reduce the incidence of child labor and have the potential to raise academic performance and increase literacy rates. He noted what a draw school meals can be, when a school feeding program in the Dominican Republic was temporarily suspended, 25 percent of the children dropped out of school.

Another tremendous force in the history of this initiative is Catherine Bertini, the Executive Director of the World Food Program. I have known Cathy since I first met her when she was being confirmed as Assistant Secretary of Agriculture for Food and Consumer Service over a decade ago, under President George Bush.

She was an outstanding and creative leader in that job and I was happy to support her for the World Food Program position. I treasure memories of a detailed briefing she gave my wife, Marcelle, and me at her apartment in

Rome, Italy. Her concern for hungry children, her command of the facts and her extreme competence and management abilities have made her a truly outstanding director.

In an interesting coincidence, my chief advisor and legal counsel on nutrition policies since 1987, Ed Barron, has been a friend of Cathy's since high school. He went to school in Homer, NY, and Cathy attended neighboring Cortland High School.

Cathy explained that in one original idea the WFP offered "take home" food to a family for every month that a girl attended school regularly. Cathy noted that "the results have been dramatic" as school attendance greatly increased. Cathy proposed some great principles that, I agree, should be followed. Such an international feeding program should be sustainable, it should be mostly school-based, and it should be targeted to the most needy. Of course, we need to employ a loose definition of school, since a teacher can teach and school children can learn in practically any setting.

In addition, she noted that the United States should use its special knowledge and experience to help other countries develop these programs. USDA and US AID experts should make periodic visits to work with national personnel and PVOs and others to build capacity and sustainable projects.

Joseph Scalise who represents the World Food Program here in Washington, D.C. has done a wonderful job keeping me and my staff informed of developments regarding WFP efforts and views.

Another major force in international feeding efforts is Ellen Levinson. As Executive Director of the Coalition for Food Aid, she has done a very effective job representing many private voluntary organizations who provide food and other assistance throughout the world. She is a strong advocate for an integrated approach for physical and cognitive child development, with a focus on much more than just a meal or food ration. In addition to food assistance, Ellen wants the initiative to provide quality education and development.

Another leader in the area has been my good friend Marshall Matz. He has been a vigorous advocate and friendly adviser in this effort.

I also want to mention Elizabeth Darrow of my staff who has played a major role in helping organize this effort and making sure we kept it on track.

This bill has been greatly advanced by staff of Senators HARKIN and LUGER. Chief of Staff Mark Halverson and chief economist Stephanie Mercier attended many meetings and helped craft a fine bill. The Republican Chief of Staff for the Committee, Keith Luse, and his staff including Chris Salisbury, Dave Johnson and Michael Knipe, provided extremely useful guidance and advice about how best to structure this

program and help ensure that the benefits get delivered to needy children. This was truly a team effort.

As always, the outstanding drafting skills of Gary Endicott of Senate Legislative Counsel are much appreciated. I have many times recognized his tremendous service to the Senate.

Congressman JIM MCGOVERN and Congresswoman JO ANN EMERSON, along with Congressman TONY HALL and others, recognized the bold potential of this effort right from the start. Many staff working for the other body provided a great deal of assistance, but Cindy Buhl needs to be especially recognized for her long hours of work, and dedication to the project. Cindy, and her boss JIM MCGOVERN, took command of this effort and deserve a lot of credit.

This bipartisan, bicameral effort, now looks to the new Administration for assistance. I, and all my colleagues, are eager to work with the Bush White House and Secretary Veneman to make this international education and child nutrition initiative a success. It may be imperative to have the President extend the current pilot program for one more year to insure continuity of service, and to provide an opportunity to work out all the kinks in a new project. The President could provide additional funding out of the Commodity Credit Corporation to help us bridge the gap.

I also want to thank the GAO team that is working on analyzing the current effort. The GAO is helping to provide valuable advice on how to improve this effort.

I want to briefly mention some thoughts from Ambassador McGovern's book, "The Third Freedom." He begins with: "Hunger is a political condition. The earth has enough knowledge and resources to eradicate this ancient scourge."

I completely agree—and because addressing hunger is a moral imperative, the U.S. should lead the way. I am very hopeful that many nations who we have helped in the past—including economic gains in Europe who benefited from our Marshall Plan after WWII—will follow our lead and offer food, technical assistance and financial aid.

I look forward to working with my colleagues on this legislative and moral effort.

Mr. KENNEDY. Mr. President, I am proud to join so many of my colleagues in sponsoring the global school lunch legislation proposed today by Senators LEAHY and DEWINE. This bill is the product of much hard work by our former colleagues Dole and McGovern, and also by officials at all levels of government, the World Food Program, and the many non-governmental agencies that have pioneered international school feeding programs.

Much has already been accomplished. Under a trial program, the Department of Agriculture is preparing to ship 630,000 tons of wheat, soybeans, rice, dry milk, corn, and other food to nine

million children in 38 nations throughout Latin America, Africa, Asia, and Eastern Europe. This legislation will be an important incentive to strengthen the worldwide effort.

Bob Dole and George McGovern worked well together in the Senate to promote child nutrition in America. The results of their landmark National School Lunch program have been impressive—improved nutrition and health, and increased academic performance as well. Their successful school lunch idea can benefit children in need throughout the world.

Hunger remains a painful reality every day for over 300 million children across the globe, and we can do more—much more to combat it. We know the cure for hunger, and I hope that Congress will move quickly to enact this needed legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 800. Mr. SCHUMER (for himself and Mrs. BOXER) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 801. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

SA 802. Mr. HARKIN (for Mr. KENNEDY (for himself and Mr. HARKIN)) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

TEXT OF AMENDMENTS

SA 800. Mr. SCHUMER (for himself and Mrs. BOXER) proposed an amendment to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place insert the following:

SEC. 902. SENSE OF THE SENATE ON APPROPRIATION OF ALL FUNDS AUTHORIZED FOR ELEMENTARY AND SECONDARY EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush has said that bipartisan education reform will be the cornerstone of his administration and that no child should be left behind;

(2) the Bush administration has said that too many of the neediest students of our Nation are being left behind and that the Federal Government can, and must, help close the achievement gap between disadvantaged students and their peers;

(3) more of the children of our Nation are enrolled in public school today than at any time since 1971;

(4) math and science skills are increasingly important as the global economy transforms into a high tech economy;

(5) last year's Glenn Commission concluded that the most consistent and powerful predictors of student achievement in math and science are whether the student's teacher had full teaching certification and a college major in the field being taught; and

(6) Congress increased appropriations for elementary and secondary education by 20 percent in fiscal year 2001.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

SA 801. Mr. DOMENICI submitted an amendment intended to be proposed to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE ON EDUCATION FUNDING CONSISTENT WITH THE PRESIDENT'S BUDGET AND THE CONGRESSIONALLY PASSED BUDGET RESOLUTION.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush has said that bipartisan education reform will be the cornerstone of his administration, and that no child should be left behind;

(2) The Bush Administration has said that too many of the neediest students of our nation are being left behind and that the Federal Government can, and must, help close the achievement gap between disadvantaged students and their peers;

(3) Congress should devote to high-priority education programs, such as Title I, a substantial portion of the \$6.2 billion reserved for domestic discretionary programs in the budget resolution;

(4) The budget resolution assumes substantially increased funding for high priority education programs, including:

(a) \$11.0 billion for Title I, Education for the Disadvantaged, including \$9.1 billion for grants to local educational agencies and \$975 million for new Reading First programs;

(b) \$8.7 billion for programs under the Individuals with Disabilities Education Act, including \$7.6 billion for part B grants to states, a 20 percent increase over last year;

(c) \$2.6 billion for teacher quality programs, a 17 percent increase over last year; and

(d) \$1.1 billion for Impact Aid, a 14 percent increase over last year;

(5) Spending restraint is necessary to ensure debt reduction and protection of Social Security; and

(6) Congress should pass all 13 appropriations bills consistent with the spending limits and restraints in the concurrent resolution on the budget for fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) the appropriations committees should fulfill the authorized spending levels in this bill to the extent that it is consistent with the parameters of the budget resolution; and

(2) these spending increases will be ineffective unless they are coupled with a strong, bipartisan education reform plan in accord with the basic principles put forward by the President.

SA 802. Mr. HARKIN (for Mr. KENNEDY (for himself and Mr. HARKIN)) proposed an amendment to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place insert the following:

TITLE —INDIVIDUALS WITH DISABILITIES

SEC. 01. DISCIPLINE.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

“(n) UNIFORM POLICIES.—

“(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies regarding discipline applicable to all children under the jurisdiction of the agency to ensure the safety of such children and an appropriate educational atmosphere in the schools under the jurisdiction of the agency.

“(2) LIMITATION.—

“(A) IN GENERAL.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting pursuant to Sec. 615K, if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

“(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

“(C) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability.”, except as provided in 612(a)(1).

SEC. 02. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 01) is amended by adding at the end the following:

“(o) DISCIPLINE DETERMINATIONS BY LOCAL AUTHORITY.—

“(1) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

“(2) DEFENSE.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

“(3) LIMITATION.—

“(A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

“(B) PLACEMENT DURING REVIEW.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.”.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 19, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing

to receive testimony on the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes for the 107th session of the Congress.

Those wishing additional information may contact Committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 21, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing on Native American Program Initiatives at the College and University Level.

Those wishing additional information may contact Committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. 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 June 13, 2001, to conduct a hearing on the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a member of the board of Governors of the Federal Reserve System.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 13, 2001 at 10:15 a.m. to hold a hearing titled “The Crisis in Macedonia and U.S. Engagement in the Balkans” as follows:

Witnesses:

Panel 1: Ambassador James Pardew, Senior Advisor on the Balkans for the Bureau of European Affairs, U.S. Department of State, Washington, DC.

Panel 2: General Wesley K. Clark (USA Ret.), Corporate Consultant, Stephens Group, Inc., Washington, DC.

The Honorable Richard Perle, Resident Fellow, American Enterprise Institute, Washington, DC.

Panel 3: General William Nash (USA Ret.), Senior Fellow and Acting Director of the Center on Preventive Act, Council on Foreign Relations, Washington, DC.

Dr. Daniel P. Serwer, Director, Balkans Initiative, United States Institute of Peace, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 13, 2001 at 9:30 am for a hearing regarding Economic Issues Associated with the Restructuring of Energy Industries.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized

to meet on June 13, 2001, at 9:30 a.m. in room 485 Russell Senate Building to conduct a confirmation hearing on the nomination of Mr. Neal K. McCaleb to be the Assistant Secretary of Indian Affairs, U.S. Department of the Interior.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution be authorized to meet to conduct a hearing on Wednesday, June 13, 2001 at 10:00 a.m. in SD226.

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

SUBCOMMITTEE ON STRATEGIC

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 13, 2001, at 9:30 a.m. in closed session to receive a briefing on the Department of Defense's Missile Defense Strategic Review.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Adam Hines and Brian Altman, two interns in my office, be granted floor privileges for duration of debate on S. 1.

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

NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974 CLARIFICATION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1029, introduced earlier today by Senators SARBANES, GRAMM, REED of Rhode Island, SHELBY, SCHUMER, ALLARD, BAYH, ENZI, JOHNSON, MIKULSKI, and BOND.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1029) to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

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

Mr. SARBANES. Mr. President, this is a technical correction to last year's

Manufactured Housing Improvement Act. I ask for its immediate approval. This legislation is being cosponsored by Senators GRAMM, REED, SHELBY, ALLARD, BAYH, ENZI, SCHUMER, and BOND.

Last year, in a bipartisan effort, Congress passed the "American Homeownership and Economic Opportunity Act of 2000." Title VI of that law is the "Manufactured Housing Improvement Act" originally introduced by Senators SHELBY, BAYH, JOHNSON, and others. Unfortunately due to a technical problem with the law, the manufactured housing program, run by HUD, may be forced to shut down as early as next week.

Last year's legislation was the result of extensive bipartisan negotiations, and negotiations with industry and consumer groups, all of whom supported the final product. The legislation passed by unanimous consent in both the Senate and the House. The new law enacted is a long-overdue and significant streamlining and reform of the manufactured housing program. It also provides expanded consumer protections, improved safety requirements, and a process that allows for faster updating of regulations.

The manufactured housing program is funded through fees HUD levies on the industry. Prior to the new Act, HUD could spend those funds as needed. However, to maintain better oversight of the program, the new law made the spending of the fees subject to appropriations.

Unfortunately, the Manufactured Housing Improvement Act passed after the VA-HUD appropriations bill, so the appropriators could make no provision for the spending of the funds HUD has collected since the Manufactured Housing Improvement Act passed on December 27, 2000.

As a result, HUD has continued to collect the fees, but it is unable to spend them without specific authorization in an appropriations bill to do so. Clearly it was not our intent for this to happen. The legislation my colleagues and I are introducing today will allow HUD to continue to run the program until the next VA-HUD Appropriations bill passes. I also want to be clear that these funds are subject to all other requirements contained in the National Housing Construction and Safety Standards Act of 1974.

I ask that it be passed.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statement relating thereto be

printed in the RECORD, with no intervening action.

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

The bill (S. 1029) was read the third time and passed, as follows:

S. 1029

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

SECTION 1. MANUFACTURED HOUSING.

(a) AVAILABILITY OF FEES.—Notwithstanding section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)), any fees collected under that Act, including any fees collected before the date of enactment of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701 note) and remaining unobligated on the date of enactment of this Act, shall be available for expenditure to offset the expenses incurred by the Secretary under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), otherwise in accordance with section 620 of that Act.

(b) DURATION.—The authority for the use of fees provided for in subsection (a) shall remain in effect during the period beginning in fiscal year 2001 and ending on the effective date of the first appropriations Act referred to in section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)) that is enacted with respect to a fiscal year after fiscal year 2001.

ORDERS FOR THURSDAY, JUNE 14, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. tomorrow, Thursday, June 14. I also ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1, the education authorization bill; further, at 1 p.m. there be a period for morning business until 2 p.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator KYL would be allowed to speak from 1 until 1:30 p.m., Senator HOLLINGS would be allowed to speak for 5 minutes, Senator AKAKA for 15 minutes, and Senator DURBIN for 10 minutes.

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

PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will convene at 9 a.m. and resume consideration of the education bill. At that time there will be 60 minutes of total debate time on the Harkin and Sessions IDEA amendments. Therefore, there will be two rollcall votes beginning at approximately 10 a.m. The first vote will be on the Harkin amendment. Additional rollcall votes are expected as the Senate works to complete action on the education bill this week.

The two managers of the bill, Senator KENNEDY and Senator JUDD GREGG

of New Hampshire, have worked very hard on this legislation. However, Senator DASCHLE has indicated we are going to stay here tomorrow until we complete this bill. We have a number of things lined up after the Sessions and Harkin amendments. We expect we will complete a couple of difficult amendments shortly. But we hope early afternoon we can complete this legislation.

I repeat, Senator DASCHLE said we are going to stay here tomorrow and if we have to work through the night into Friday, we are going to complete this legislation. We have worked very hard to complete scores of amendments this

week. We have a big day ahead of us tomorrow, but I think if we complete this bill, it is quite clear we will be out on Friday.

ADJOURNMENT UNTIL 9 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Thursday, June 14, 2001, at 9 a.m.