



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, MONDAY, DECEMBER 17, 2001

No. 175

## Senate

The Senate met at 12:30 p.m. and was called to order by the President pro tempore [Mr. BYRD].

### PRAYER

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

Here is the good news from Zephaniah 3:17:

"The Lord your God in your midst, The Mighty One, will save; He will rejoice over you with gladness, he will quiet you with His love, He will rejoice over you with singing."

Gracious God, on the Monday when we return to our responsibilities of completing the work of the Senate before the Christmas recess, we ask You to give us an assurance of Your unqualified love, profound peace that quiets our hearts, and ears tuned to hear Your song of affirmation. We need Your gift of vibrant optimism.

Our optimism often is like a tea bag: We never know how strong it is until we get into hot water. In times of frustration or adversity, our optimism is tested. When the wheels of political process grind slowly, often we become pessimistic. It is then that we need to hear Your song of encouragement. So often we live as if we had to carry the burdens of leadership alone. Today we relinquish to You any negative thoughts, critical attitudes, or impatient moods. Infuse us with Your hope. Hope through us today, O God of hope, so that we will be a lift and not a load, a blessing and not a burden. And as the Christmas angels came to shepherds at

work, come to us as we work for Your glory and the good of our Nation. "Ring out the bells of the kirk; God is down to Earth to bless those who work!" You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided and controlled between the two leaders or their designees.

The Senator from Wyoming.

### CONFIRMATION OF EUGENE SCALIA AS SOLICITOR OF LABOR

Mr. ENZI. Mr. President, I rise this afternoon to speak about the nomina-

tion of Eugene Scalia as the Solicitor of Labor. On previous occasions, I have had the opportunity to speak about Mr. Scalia's outstanding qualifications for this position. Today, unfortunately, I must also speak about the failure of the majority party to bring his nomination to the floor.

On April 30, 2001, President Bush nominated Eugene Scalia as the Solicitor of Labor. That was 231 days ago. On October 17 he was reported out of committee. That was 2 months ago today. A lot of time has elapsed since his nomination. Time has also elapsed since his successful reporting out of committee. This is a longer confirmation period than any Solicitor of Labor in the past 20 years.

Each day that passes without a vote on his nomination is an injustice not only to Mr. Scalia but to the President, the Department of Labor, and all those who are served by the Department as well.

I have with me today a letter to Senator KENNEDY, who is the head of the Health, Education, Labor, and Pensions Committee. The letter adds emphasis to what I have just said, that this is the longest time in 20 years that it has taken for a Solicitor of the Department of Labor to be considered. It also talks about how important this position is and how important it is to have it filled right away.

### NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be \$422 per year or \$211 for six months. Individual issues may be purchased for \$5.00 per copy. The cost for the microfiche edition will remain \$141 per year with single copies remaining \$1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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



Printed on recycled paper.

S13321

Probably the most important and most interesting part of this is who signed it. We have Thomas Williamson, who was the Solicitor of Labor under President Clinton; we have Robert Davis, who was the Solicitor of Labor under President George H.W. Bush; we have George Salem, who was the Solicitor of Labor under President Reagan; and William Kilberg, who was the Solicitor of Labor under Presidents Nixon and Ford.

I ask unanimous consent a copy of this letter be printed in the RECORD.

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

JULY 19, 2001.

Hon. EDWARD M. KENNEDY,  
*Chairman, Committee on Health, Education,  
Labor & Pensions, U.S. Senate, Russell Senate  
Office Building, Washington, DC.*

Hon. JUDD GREGG,  
*U.S. Senate, Russell Senate Office Building,  
Washington, DC.*

DEAR CHAIRMAN KENNEDY AND SENATOR GREGG: We served as Solicitor of Labor in the administrations of Presidents Nixon, Ford, Reagan, George H.W. Bush, and Clinton. We are writing to urge that the Senate Committee on Health, Education, Labor, and Pensions proceed expeditiously with the nomination of the current Solicitor nominee, Eugene Scalia.

The uniqueness and importance of the solicitor is reflected by the Department's structure, which places him as the third-ranking official, as you are aware. His involvement is crucial to the Department's performance of its important mission—the enforcement of the labor and employment laws administered by the Department, the development of legally compliant policy initiatives, and the issuance of regulations in furtherance of those laws. While it is possible for the Department to function without a confirmed Solicitor for short periods of time, the absence of a Solicitor inevitably causes significant interference with the Department's operation and most important, is detrimental to those who are protected by our Nation's labor laws. Without a Solicitor the Department has more difficulty making important litigation decisions; important enforcement initiatives may be delayed as a consequence, and employment law violations may go unaddressed. The absence of a confirmed Solicitor also makes it harder for the Department to make significant regulatory decisions, as the Secretary and other senior staff await legal review by the person the President has nominated for that task. Finally, the institution of the Office of the Solicitor, which is the second largest cabinet-level legal office, itself suffers when the Solicitor cannot personally participate in the Department's deliberations, and functions ordinarily performed by the Solicitor are assumed by other departmental personnel.

Eugene Scalia was nominated to be Solicitor in April. We recognize that some have raised concerns with his nomination. We believe, however, that the best course at this time is to have those concerns addressed in a confirmation hearing, so that the Office of the Solicitor may be filled as soon as practicable. Thank you.

HENRY L. SOLANO,  
*Solicitor of Labor  
under President  
Clinton.*

ROBERT P. DAVIS,  
*Solicitor of Labor  
under President  
George H.W. Bush.*

WILLIAM J. KILBERG,  
*Solicitor of Labor  
under Presidents  
Nixon, Ford.*

THOMAS S. WILLIAMSON,  
*Solicitor of Labor  
under President  
Clinton.*

GEORGE R. SALEM,  
*Solicitor of Labor  
under President  
Reagan.*

Mr. ENZI. It is difficult to envision a better qualified person for the Solicitor of Labor than Eugene Scalia. He is a nationally recognized expert in the field of employment and labor law. I sat through the hearings in the Health, Education, Labor, and Pensions Committee. Some very penetrating questions were asked. Some excellent answers were given.

A record was built. We know this is a man who will follow the direction that was given during his hearings and was intended by the nomination of the President of the United States, a person who is excellently qualified.

In fact, there was no question of his qualifications. As Professor Cass Sunstein from the University of Chicago wrote in support of Mr. Scalia's nomination:

In terms of sheer capacity to do a fine job, he's as good a choice as can be imagined.

However, this exceptionally qualified nominee has not even been afforded a vote on his nomination. In the meantime, the absence of a Solicitor significantly harms the Department of Labor's operations as well as those who are protected by the Nation's labor laws. The Solicitor enforces the laws under the Department's jurisdiction and advises on the legality of the actions the Secretary and others at the Department want to take. Without this crucial position, the Department cannot effectively perform its important mission.

I do not see any justifiable explanation for failing to bring the President's nominee for the Solicitor of Labor to the floor. He deserves a vote. What I do see is an attempt to hold up Mr. Scalia's nomination because he took a position consistent with a majority of both Houses of Congress.

In previous articles, he had some opposition to ergonomics, and I am talking about the repealed ergonomics rule that was put forward by OSHA, a rule that was seriously flawed both in its process and in its substance. Congress rejected the ergonomics rule for the same reason Mr. Scalia and many other experts have articulated.

There is simply no justification for now denying Mr. Scalia a vote because he is opposed to a rule this Senate also rejected.

There is also simply no justification for opposing Mr. Scalia's confirmation because of his last name. I hope my colleagues will not allow any antipathy they have for Mr. Scalia's father to cloud this body's solemn responsibility regarding confirmation of Presidential nominees.

The President has selected Eugene Scalia to be the Solicitor of Labor. Our task is to evaluate whether the President's choice is, in fact, qualified for the position. In Mr. Scalia, the President has chosen someone with the credentials and character to make an outstanding Solicitor.

Mr. Scalia's nomination has been reported out of committee, yet he remains in limbo, as I mentioned, 231 days since his nomination, 2 months since he was successfully reported out of committee. Mr. Scalia's nomination should be brought to the floor of the Senate. Mr. Scalia is entitled to that. The President is entitled to that. The Secretary of Labor is entitled to that. Everyone who is served by the Department is entitled to that. I urge the majority leader and my colleagues to ensure this happens.

I ask my colleagues to read the letter from the former Solicitors to see how important the position is and how important it is to have the President's choice installed in that position.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is closed.

#### MEASURE PLACED ON THE CALENDAR—S. 1833

Mr. KENNEDY. Mr. President, I understand S. 1833 is at the desk and is due for a second reading.

The PRESIDING OFFICER (Mr. CARPER). The Senator is correct.

Mr. KENNEDY. I ask that S. 1833 be read for a second time, and I would then object to any further proceedings at this time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1833) to amend the Public Health Service Act with respect to qualified organ procurement organizations.

The PRESIDING OFFICER. The objection having been heard, the bill will be placed on the calendar.

#### NO CHILD LEFT BEHIND ACT OF 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the order previously entered, the Senate will now proceed to the conference report accompanying H.R. 1, for debate only.

The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, having met, have agreed the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the RECORD of December 12 in the House Proceedings at page H. 9773.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I strongly support the conference report on the education reform bill. I urge the Senate to approve it. This landmark bipartisan legislation contains far-reaching reforms to give all the Nation's students much greater opportunity than ever before to succeed educationally, to do well economically and participate fully in American society, and to enable schools and communities across the Nation to provide a much higher quality of education for their students.

The conference committee has worked well together for over 5 months to reach these agreements. I commend all of the conferees for their effective work and leadership on the many parts of this bill, and for their commitment to the high priority of improving education for all students.

It has been a genuine bipartisan process. We have been able to reach effective agreement on these reforms, because the challenge is so important and the need is so significant.

We need to enact these reforms and implement them as soon as possible. The Nation's students, schools, teachers, principals, and superintendents cannot wait. The parents of the 48 million students in the Nation's public schools cannot wait. And Congress shouldn't wait either.

Throughout our history, education has opened the doors of opportunity for generations of Americans. It has been a long and continuing battle, and it still is.

The Nation's Founders understood this, when they urge public education in the early days of the Republic.

As John Adams said so well,

The education of a nation instead of being confined to a few schools and universities for the instruction of the few, must become the national care and expense for the formation of the many.

The women's movement understood this, as they fought to open the doors of schools to girls as well as boys.

Civil rights leaders understood this, as they risked their lives to end segregated schools that were separate and unequal.

The bill before us today continues that great march of history, to fulfill the promise of a good education and greater opportunity to all children in America—whether they are black or white, from the cities or the suburbs or the rural areas, from the North to the South to the East to the West.

This legislation is about the future of America. In this 21st century, we want an America that continues to be a beacon of freedom and progress for the world. And we want all Americans to have a chance to fulfill their greatest dreams and reach their fullest potential.

But to do so will require more than just the words of the legislation we adopt today. It will require hard work and continued partnership between Federal, State, and local governments—and between schools, communities, and parents.

It will require constant effort and constant vigilance to see that all students receive the help they need.

And, it will require a commitment of more resources in the years ahead, so that the Federal Government lives up to its part of the bargain.

I strongly support these reforms, but I am concerned that this conference and this Congress and this President have failed to support the investments necessary if we are serious about truly leaving no child behind.

Moving IDEA to the mandatory side of the budget would have been a victory both for children with disabilities and for children without disabilities.

Prior to the passage of the IDEA legislation in 1975, we had approximately one million disabled students who were being warehoused and receiving informal education, if any education at all.

All State constitutions guarantee education for all children—not just children who do not have disabilities.

In 1975 we passed IDEA, with the idea goal that the Federal Government would meet its responsibilities by offsetting 40 percent of the cost for the education of children who qualified for IDEA.

Over the past 25 years, Congress failed to meet its responsibility of 40 percent of funding IDEA. The Senate insisted on full funding. We introduced an amendment that called for mandatory spending, which would have required that we provide full funding of this important program.

The reason this was such a controversy during the time of our conference is that: One, it involves children; two, it involves children who are the most vulnerable, those having special needs; three, it is a constitutional right; four, we committed ourselves to the States and local communities that we were going to provide this help and assistance over a long period of time.

The principal argument against us was we should wait, that we are going

to reform the IDEA system next year. As was pointed out in the numerous debates on this issue, we are committed to these children. They need our help now. Now is the time. We have heard enough excuses. We should be meeting our responsibilities. Moving IDEA to the mandatory side of the budget would have been a victory both for children with disabilities and for children without disabilities.

It would have guaranteed students with disabilities that they and their parents will not have to fight as hard as they do today to get the education to which they are entitled. It would have freed up local resources to improve regular public school programs for all students.

Our very able and gifted leader on so many of the disability issues—TOM HARKIN, joined by Senator HAGEL who has been strongly committed on this issue for years in a bipartisan way—have reminded us that this fight will continue next year. I am absolutely convinced we will be successful. Nonetheless, as we address these issues, we ought to understand that two-thirds of the children who actually qualify for IDEA also qualify for what we call the title I funding.

Only one third of the children are actually covered by the title I program today. With what has happened to our economy, there are more than 660,000 additional students who will be eligible for title I funds. With early requests in the budget this year, there is a 3.6-percent increase. We have been able to get that up to close to \$4 billion, which represents about a 20-percent increase, which under the whole ESEA budget is just about where it has been for the last 5 years. This is an important improvement, but it will still only reach one third of the students. We are strongly committed to making sure the benefits of this legislation are going to reach all of the children, and we are going to come back and make the battle and the fight for this particular program.

Since I am talking about the budget, I will give just a very brief oversight as to how the funds are distributed based on the money that has been authorized and included in this legislation, and then actually the money in appropriations that have also tracked our legislation.

The title I education program, is targeted towards the neediest children in this country. The formula has not only reached the needy, but it has also been spread out until there is no question that it needs more focus and more targeting to reach the neediest of the children. This has been one of President Bush's prime considerations and one of his prime objectives. It was his strong commitment in this area that allowed the opportunity to reach strong common ground. We give him praise and credit for his leadership in this whole reform of the title I program.

One of the major achievements of this legislation is that it dramatically

increases Federal education funds for the neediest students. With this bill and the pending appropriations bill, we will be able to tell every city in the country that they will see an increase of more than 30 percent in supplemental Title I education funding for disadvantaged children. There will be \$11 million more for Boston, \$80 million more aid for Los Angeles in the next school year, and \$140 million more for New York City.

High poverty rural areas will see similar percentage increases in Federal education aid in the next school year. In Todd County, South Dakota there is a 50-percent poverty rate, however we will see a 30-percent increase in the resources to reach those neediest children. In Arizona, there is a 75-percent poverty rate, and we see an indication of increased support for the education of those children in that particular county.

In the Meek Public Schools in Nebraska, where there is a 67-percent child poverty rate, there is likewise an increase in resources.

So whether it has been in the urban areas with the increased poverty rate or it has been in the rural areas, what we have tried to do in this bill is to get increased focus and attention in terms of investment in this program.

Money is not the answer to everything, but it is a pretty clear indication of the Nation's priorities. You cannot increase the quality of education with money alone, but you cannot do it with reform alone. The key is to have reform, the resources, and the investment. That is what we are attempting to do with this legislation.

But Congress and the administration have to do more next year and the year after. This battle will go on. This battle for resources will continue again and again and again, until we meet our obligations to families, parents and students across the country.

One of the major goals of this conference report, is to lessen, over the 12-year period, the educational achievement gap between the disadvantaged students and their more affluent peers, between minority and non-minority students. There are wide gaps between these students today in the K-12. We are strongly committed to reducing and attempting to eliminate that disparity.

The bill begins to do that by ensuring that all States set performance standards in reading and math and that they will set high standards in science by the year 2005. These standards outline what students should know and be able to do in these subjects.

Each State will develop a strong curriculum that helps teachers translate those standards into day-to-day learning for their students. Each State, itself, makes the judgment and decision about what their children should know in what particular grade. Their educators, their professionals, their parents, their instructors, their principals, and their school boards get to-

gether and make the determination about what the children should know in each particular grade in each of the particular States. We give States the flexibility to do so.

We have stated—and we will restate—our objective, and that is to make sure these tests are not punitive, they should be used to find out what a child knows. These accountability measures will help ensure that every child receives a good education. But they won't work alone. Accountability is only the measure of the reform—it is not reform itself. We must provide the necessary support and resources to see that schools can achieve their goals.

We want to make sure that, across the country, the child who is doing reasonably well today will do even better, the child who is having difficulty making it will find out they are able to deal with the challenges they are facing in school, and the child who is not making it is going to get the help and the assistance they need in order to be able to reach proficiency. That is what we are going to do with our program.

States must also set annual goals for schools to raise student achievement. The States will each set their own goals based on how they are doing now. But all States must put themselves on a glidepath to see that all children achieve proficiency in 12 years. We let the States make the judgments and decisions about how that will progress.

Schools that do not meet the annual goals set by the State for 2 consecutive years will be given extra resources and technical help to turn themselves around. Students in those schools will have the option to transfer to a high performing school. If the school does not meet its achievement goals for another year, it must offer the lowest-achieving children after-school tutoring services. If the school continues to fail to meet the goals after 6 years, it will be either restructured as a charter school, taken over by the State or district, or reopened with new leadership and staff.

But at the end of 12 years, every child in America has to be able to reach the proficiency level. Twelve years is a long time, but this is a complex issue. I am always reminded of the great words of H.L. Mencken when he said: For every complex question, there is a simple, easy answer, and it's wrong.

This is a complex challenge. We are not offering a simple answer. We are offering a responsible answer that has been based on the experiences of recent years and our studies in the committees and the conference and taking the best judgment of those who have really thought about this over a long period of time. That is what we believe is represented in this legislation.

These accountability measures will ensure that every child receives a good education. They will not work alone. Accountability is only the measure of reform, it is not reform itself. We must provide the necessary support and re-

sources to see that schools can achieve their goals. This legislation includes the needed reforms that are the building blocks of change to help the Nation's schools meet their goals.

The objective of this legislation, is to provide a greater opportunity for all students to achieve high standards.

There is the extra help for mastering the basics. There is a very important dropout provision. My friend from New Mexico, Senator BINGAMAN, has been so active in that area, as well as in many other areas. There will be more mental health services, more counselors highly qualified teachers, more after-school tutoring.

In addition to better basic students, students will have greater access to a variety of other courses to enhance education, including advanced placement, foreign languages, civics education, economics, American history, physical education, art education, character education, and programs for gifted and talented students. The pathways to excellence—we have the advanced placement, foreign language, American history, civics, economics, arts, physical education, the gifted and talented programs, as well as character education.

So the tools will be out there for these children to be able to take advantage of this. The support systems will be out there to help and assist them, depending on what the particular needs are of the children.

We are setting high standards for children, we are setting high standards for schools, and we are setting high standards for parents.

We ought to set high standards for the Congress to make sure we give the resources so these programs will work, and we ought to set the standards for the States to make sure they are going to meet their responsibility. That is what we are able to do here with regard to the children, with regard to the schools, and with regard to the parents. The rest of that puzzle is here in the Senate and in the statehouses across the country. They are the ones that provide the principal resources for the children.

Reform of the schools is high standards and high expectations. We know and we saw once again from the tragic circumstances of September 11, Americans do their best when they are challenged. That was certainly true of those at the time and place of the disaster in New York and at the Pentagon and the field in Pennsylvania, the individuals who performed with such extraordinary bravery and heroism, and how our service men and women are performing today. Americans respond best to challenges. That is the essence of this legislation, high standards and support.

In order to achieve high expectations, the bill includes reforms that will strengthen teacher training and mentoring, with the strong commitment that we are going to have highly qualified teachers in every classroom.

We have the option for moving toward smaller class size which has demonstrated such success in a number of our States, such as Tennessee and Wisconsin. It expands support for early reading, so that all children read well by the end of the third grade.

Violence and drug prevention programs are even stronger, there are more opportunities for parents to be involved in their children's education greater parent involvement, and the new books for school libraries. If we are going to develop effective reading programs, the new school library program will have enormous success.

One of my real pleasures is reading with a child each week as part of the Everyone Wins! Program, where a number of my colleagues also participate. I have seen the change that have taken place in the last 5 years in books in those libraries. If you went there and started reading 4 or 5 years ago, you would have to search to find an age-appropriate book in order to be able to read to the child. Now that is changing. We want to make sure this is going to change for schools and school libraries across the country.

It improves bilingual education for students with limited proficiency in English.

It also strengthens after-school activities, to give extra opportunities to more students to improve their learning. Afterschool programs which have demonstrated such success—I don't think in any of the categorical programs in the last 2 years that the Federal Government has out that any of them have been as oversubscribed with quality applications as the afterschool programs. They work and are making a major difference. I recently visited an afterschool program in the Boston area, which has partnered with the business community. They are teaching children graphics and art design, things that they would never have seen in school.

This is an awakening, an interest in these children in some areas of learning that they had never even thought of. It is transferring into enhanced grades. All of this is happening in boys clubs and girls clubs across the country. It needs to be supported. And more classroom need to have access to technology.

Finally, we have the State and local school report cards for parents—the children, the schools, and now the parents. The student achievement for all students, children with disabilities, children with limited English proficiency. We have seen the changing of the demographics in our public school systems, minority children, and the poor children; graduation rates, professional qualification of teachers, the high poverty/low poverty schools, and the percent of the highly qualified teachers, high poverty, low poverty.

Every parent is going to be able to receive a report card, not just on their child, but also detailing the achievement of all children in a particular

school district or state. They will know how many qualified teachers they have. They will know also what is happening in these other areas of learning in their schools, what the graduation rates are. We are giving the greatest amount of information to parents so that they will know what is happening in their school, what is happening in the next school, what is happening around their schools; empowering the parents in ways they need and they want and they desire so that they can help make a difference in terms of the education of their children.

This has not been done, and it needs to be done. Thirteen States provide no individual school profiles at all. Of the 37 States that do produce school report cards, their quality and accessibility for parents vary widely. Here, we are setting a standard to provide uniform information to all parents in an understandable format.

That is really something that we intend to do.

I know there are others who want to speak early. I have taken about a half-hour of the Senate's time. I do want to say that I believe we have very important legislation that is going to make a very important difference in the lives of the children.

Before concluding, I will express some appreciation to some very important and special people who helped get us to where we are, and then I will yield the floor. I see my friend from New Hampshire, Senator GREGG. I am enormously grateful to him.

First of all, I thank President Bush for his strong commitment in making this his No. 1 domestic agenda item. I have been here in recent years where we have seen attempts to dismantle education programs and to cut back in terms of funding for education. I have seen attempts to repeal the Department of Education. Thankfully, now we are beyond that debate.

I have always believed that it would be useful to have someone at the President's elbow when they have those cabinet meetings talking about children and education. This President has indicated he wants to make real education reform available for the neediest children. He deserves great credit for helping to give direction to this effort.

I, in particular, thank my colleague, Senator GREGG. We worked closely together on this important legislation, particularly over the period of the past 5 months. We came at this issue from very different directions. We both shared a very important commitment to try to get something done that would benefit children. We were each prepared to put aside some of our own reservations to come up with legislation. And I frankly believe that our final product, with what has been achieved, is better, quite better than the previous legislation passed by the House and the Senate earlier this summer.

I thank Senator GREGG for his strong involvement and participation.

I thank JOHN BOEHNER, who was our chairman, and who was very effective in keeping us moving in a positive direction. He was very talented and should receive very considerable credit for this achievement.

Also, I thank GEORGE MILLER from the House, whose knowledge and legislative skills and dedication helped make this conference report an excellent piece of legislation. GEORGE is a legend in many ways. His passion is education. We saw that in this conference. Anyone who listens to GEORGE speak on this subject knows his very strong commitment and the knowledge and ability he holds in this area. We thank him.

I want to thank the majority leader, Senator DASCHLE, and Senator REID for their leadership and support throughout this process. Senator DASCHLE, from the earliest days of this effort on education, was strongly committed to achieving results and good legislation. He was committed to getting something positive, something that was going to make a difference for children. I don't need to remind this body of the number of times that Senator DASCHLE has addressed the conferees on this education conference, urging us forward and working to try to make sure we would achieve great results. His help and assistance has been absolutely invaluable and essential in getting us to where we are today. I am enormously grateful to him personally, and I commend his strong commitment to education. I thank Senator REID, as well, for his continued support and assistance.

I also want to mention Secretary Paige and Sandy Kress. Secretary Paige came to our committee as one of the first members of President Bush's Cabinet. He had a strong record in Houston, under very challenging circumstances, and demonstrated many of the principles the President illustrated. Sandy Kress was able to devote much of his time during the early days in which this legislation was formed, and he carried a great commitment to the President's positions. He is a very effective fighter for those positions and never gave up on any of them as we moved through, but always tried to find some way of moving this process toward a positive solution. I am grateful and thankful to both Secretary Paige and Mr. Kress.

I want to take a final moment to thank the staffs. It is important as we enter the final passage of this legislation that they be included in the managers' opening statements. Their role has been absolutely indispensable. Their satisfaction should be deep, continuing, and abiding. They are all skilled professionals. They will do many things in their lives, but I doubt they will ever do anything that will be more important to children in this country than what they did over the period of this last summer. While others were away during the August Recess, staff were here working tirelessly

throughout the summer on various provisions of this legislation. They were in touch with all of us as discussions moved forward, and they are absolute masters of the details of these provisions.

I think all of us are mindful of the words that "the devil is in the details." This legislation is over 1,100 pages long, and our staffs combed through the details and ensured that our objectives were met. They have done it with a professional excellence, which is, I think, in the highest order of this institution. It is what the American people expect and what they deserve to have, and we have not let them down. So I thank all of them for their good work.

In particular, I thank Danica Petroschius, who is here on my staff; Michael Dannenberg, Roberto Rodriguez, Dana Fiordaliso, Ben Cope, Connie Garner, David Sutphen, Melody Barnes, Jim Manley, Helen Yuen, Karen DiGiovanni, and Menda Fife of my staff, who all worked long and hard together on a wide variety of issues in this legislation.

I also thank Sally Lovejoy and Paula Nowakowski of Congressman BOEHNER's staff; John Lawrence, Charles Barone, Alex Nock, and Denise Forte of Congressman MILLER's staff; Denzel McGuire, Townsend McNitt, and Stephanie Monroe of Senator GREGG's staff; Lloyd Horwich of Senator DODD's staff; Bev Schroeder of Senator HARKIN's staff; Kimberly Ross of Senator MIKULSKI's staff; Sherry Kaiman, Michael Yudin, and Justin King of Senator JEFFORDS' staff; Carmel Martin of Senator BINGAMAN's staff; Jill Morningstar of Senator WELLSTONE's staff; Bethany Little of Senator MURRAY's staff; Elyse Wasch of Senator REED's staff; David Sewell of Senator EDWARDS' staff; Ann O'Leary and Wendy Katz of Senator CLINTON's staff; Michele Stockwell of Senator LIEBERMAN's staff; Elizabeth Fay of Senator BAYH's staff, and Joan Huffer of Senator DASCHLE's staff.

I also thank Denis O'Donovan and Steve Chapman who served our committee so effectively and made sure that the conference ran smoothly. I also thank the staff of the Congressional Research Service, Wayne Riddle, Jim Stedman, Rick Apling, and Jeff Kuenzi. CRS provides invaluable help to all of us. There are also many others who work hard and they don't get recognition, but they were absolutely invaluable.

I am sure there are others I should mention, and I will try to make sure I include them later in the day or tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, I thank the Senator from Massachusetts for his kind comments in his opening statement, with which I agree in part and disagree in part, but that is what

makes this an exercise that is so worthwhile.

Let me pick up where Senator KENNEDY has left off, which is thanking those people who have done an extraordinary job with this exceptional piece of legislation, which will have a very significant, if not dramatic, impact on our Nation's future in education. There were a lot of people who played a huge role in making this a success, but I think no one within the Senate obviously played a bigger or more significant role than Senator KENNEDY. He was willing to step forward and work with the President in order to accomplish completion of this bill.

When the President ran for office, he outlined a very clear and, I thought, compelling agenda on the issue of education. He was willing to step onto this rather controversial field and take very specific stances and try to drive a policy that would dramatically improve education for American children. This was his No. 1 domestic priority when he ran for President. He could not have been successful in accomplishing this if he had not had the bipartisan support he received in the Senate and in the House.

Here in the Senate it was led by Senator KENNEDY, and he deserves tremendous praise for that. The Senator has, for over 30 years, had a wide swathe in the Senate and has a voice that gets listened to. He used his strengths to move this bill aggressively and effectively. He was assisted by exceptional staff, and that may be the key to all of us here.

I thank Danica Petroschius for her great work, and the other members of the Kennedy team. I hadn't realized how many he had until I listened to the names. Maybe that is why we felt overwhelmed at times. I also, obviously, want to thank Congressman BOEHNER, whose leadership within the conference was critical. He was adroit in his ability to keep all the parties at the table negotiating. It was a difficult task because of the different views brought to the table. He deserves great credit.

I thank Sally Lovejoy, his staff director. I also consider GEORGE MILLER to be a bit of a legend—mostly on the basketball court, but as a legislator also. It was a pleasure to have a chance to get reacquainted with Congressman MILLER, whose opinions are always expressed with great passion and tremendous effectiveness, and to work with him in developing this bill. His fingerprints are significant in this area.

I thank Charles Barone of his staff, who was another player of significant importance in this exercise.

The support we got from the Department of Education was exceptional, also, as mentioned by Senator KENNEDY. Secretary Paige interjected himself at key points in the process. He was extraordinarily constructive, and he has been a shepherd of this exercise. His people: Becky Campoverde, Christy Wolfe, Sandra Cook, Paul Riddle, Kay Rigling, Tom Corwin, and Jack Kristy

also played significant roles in getting us on the right track. CRS was a tremendous help to us and the people at legislative counsel who drafted this bill.

Obviously, I cannot discuss this bill without talking about some of the other players in the Senate who were involved. Senator KENNEDY mentioned some of the people on his side of the aisle. On our side of the aisle, we had a working team within our committee that was very strong and committed many hours on different issues. Almost everybody had a role to play.

I especially thank Senator FRIST for his role with respect to Straight A's and flexibility, and his staff person, Andrea Becker. Senator TIM HUTCHINSON was critical in a number of areas—bilingual reform being one critical area—and Holly Kuzmich of his staff played a major role. Senator ENZI played a role everywhere. Amanda Farris of his staff was helpful especially on technology issues. SUSAN COLLINS of Maine, a real force for quality education in the Senate, and her staff person, Jordan Cross, was very important to the positive completion of this effort.

Senator KENNEDY did mention Sandy Kress and Margaret Lamontange at the White House. We had staff who did an exceptional job—especially Sandy Kress and Margaret Lamontange—back and forth bridging the difference. We had one staff person who went from my staff to the White House at a critical point, stayed at the White House for a critical period, then came back to my staff at a critical point, and then had a baby. She did all this while doing a great job helping to produce this bill. That was Townsend McNitt who played a very significant role in the success of this bill, along with my other staff: Stephanie Monroe, Becky Liston, Kathy McGarvey, and, of course, Denzel McGuire, who was the right arm in this exercise, as far as I am concerned, and did an exceptional job and is to be credited for much of what was done right in this bill.

The bill itself, as has been mentioned, is fairly complex legislation with a lot of moving parts, and therefore, it did take a long time to complete. As we move through this debate over the next few days, I hope to go into more specifics.

The themes of this bill are essential to understanding the outcome of this bill. The reason we were successful is we all basically had the same fundamental goal. All the major players who came to the table to try to develop this legislation understood, No. 1, that the laws which we placed on the books 35 years ago to help low-income kids were very well-intentioned, but they had not worked. We have spent \$130 billion over that period of time, and yet we see that our low-income children are falling behind and have stayed behind their peers at almost every grade level.

In fact, the average child who comes from a low-income family and is in the

fourth grade reads two grade levels below his or her peers. This has not changed over that 35 years. There has been no significant improvement as we have tried to address the issue in a variety of reauthorization efforts.

There was a genuine desire—and it cut across party lines, cut across philosophical views, cut across geographic areas—and commitment to do something about giving the low-income child a better shot at education because we all understand that the American dream and the capacity to pursue the American dream is dependent upon education.

The engine of the American dream is the public school system. Regrettably, for the low-income child, that public school system is not firing on all cylinders. We know that, and we are going to try to fix it, or at least put in place laws which will help us fix it.

Equally important as the fact the low-income child was being left behind, the failure to educate generation after generation of low-income children, especially children from minority backgrounds, was dividing our country. We were balkanizing ourselves based on education and the failure of certain segments of our population, certain large cultural segments of our population, to be economically successful or socially successful, and who were finding themselves isolated within our culture.

That is not constructive to a nation. We have seen nations balkanize. We cannot afford that in the United States. John Adams was absolutely right; the key to avoiding that is having an educated public. He saw it when he founded our Nation, and we need to see it today as we move forward as a nation.

As we become larger and larger and more diverse, we must transcend our diversity in a positive way through educating people and making sure everyone has an equal shot at the American opportunity through quality education.

The goal to obtain quality education for low-income kids cuts across all the different groups participating in this bill. That is why we were able to overcome our differences as we moved through some very complex and critical parts of the debate.

There has been some discussion—and I alluded to not agreeing with my colleague on some of his opening statement—there has been some discussion on the issue of IDEA. This is another area that needs significant attention. But the bill we are dealing with today deals with the low-income child and the title I program, which is the most significant Federal program in the area of elementary and secondary school education.

IDEA and special education is a separate issue and should be dealt with as a separate issue because the IDEA issues are equally complex, maybe narrower, maybe not as many, but certainly equally as complex and intensely felt

as the title I issues—in fact, more intensely felt in many instances. To merge the two and try to solve both of those issues at the same time would have been a mistake.

We have put off the IDEA funding issue and the other major questions dealing with IDEA such as overidentification, especially of minority groups, issues involving discipline, issues involving excessive attorneys fees, issues involving excessive bureaucracy being forced on the school systems, issues involving whether or not a special education child has a right to move out of a public school and into a private school and the payment for those activities. All those programmatic issues which are very intricate and very difficult to address should be brought up in the context of a full IDEA reform and reauthorization which will occur next year.

As part of that, we should address the mandatory issue, which I am perfectly willing to do. In fact, I believe we have made huge steps forward in the area of funding IDEA. In fact, over the last 5 years, because it was made a No. 1 priority of a group of Members on this side of the aisle when we were controlling the Senate, we have increased funding for IDEA by 173 percent. That is the most significant increase in funding that any element of the Federal Government has gotten, including NIH, which we made a commitment to double over this same period.

IDEA funding has gone up dramatically. We are still not at the full funding level, which is 40 percent of the cost of IDEA, but we went from the 6-percent level, which is what it was when other Senators and I began the initiative to get to full funding, to almost 20 percent funding of IDEA.

President Bush has continued that commitment. In fact, he sent up the single largest increase ever proposed by a President in the IDEA accounts this year. Over \$1 billion will be put into the IDEA accounts, we presume, once the Labor and HHS appropriations bill is completed as a result and in part of the President's commitment.

The commitment to funding IDEA is there, it is aggressive, and it is a stronger commitment than any other element of the Federal Government. As a result, I think people who are concerned about special education funding cannot say they are being left behind. Not only are they not being left behind, they are out in front of the crowd when it comes to funding. The question is how much further will they be out in the front of the crowd and how do we handle the mandatory issue versus discretionary accounts, which is more of an issue of inside baseball with appropriators and how they deal with that issue than it is whether IDEA is going to be funded.

There are a lot of attempts in this bill to significantly change the focus of how we proceed relative to low-income children. If we want to generalize about them, we can say there are four

different areas. The first is we are going to take the programs which presently exist and try to make them more child—say, try to take them away from being bureaucracy centered and school centered to being more focused on how that child is doing and whether that child is succeeding and whether that child is keeping up with his or her peers.

Secondly, we are going to empower parents to assist their children when they have a child who is in a failing school and who is being left behind and is from a low-income background. We have given them a whole panoply of new tools to do that, including much more information, as was pointed out by the Senator from Massachusetts, and a lot of tools that allow them to take action which affects their child's education, something parents cannot do today.

In most instances when talking to parents of a low-income child, it is not parents but parent. They usually come from single-parent families. That is unfortunate, but that single parent is usually struggling to make ends meet and really does need to have some options available to her—usually it is a “her”—when she is trying to address the education failures of the school her child attends. So that is the second part. First, child center; second, empowering parents.

Third, we give more flexibility to local school districts and to States. I believe very strongly—and I think everybody at the table ended up with this approach—that the local school district should have the ability to move their dollars around to accomplish this goal of better education for low-income kids.

In exchange for that flexibility, we are expecting the fourth item, which is accountability, and specifically accountability that reflects there has been academic achievement. Academic achievement is the end result we seek.

We are going to say to the local school districts they can have these dollars and they can have them with very few strings attached both in the area of their teacher accounts and in the area—if they decide to be a Straight A's school district, in the area of their school accounts. When they get these dollars, we are going to expect results, results that are defined by the school district. This is very important to remember. We do not say there will be a national standard to which they teach. In fact, we say just the opposite: There shall be no national curriculum. We say to the local school districts they decide how much their children in the fourth grade should know; for example, how much math they should know and how proficient they should be in English, and when they make that decision, then it is that standard which they set which we expect them to meet for their children.

We have a process of tests which basically requires them to test these kids to see if they are meeting that standard and then tell their parents if they



are meeting that standard. One of the most important parts about this testing proposal is the scores are disaggregated. No more burying the child who maybe does not make it in a group of people who do not make it covered by a group of people who do make it. These are disaggregated numbers so we will know if a low income child from a school system is not making it. We will know if a child from a certain minority group is not making it. That is important. That is new information, a new approach.

In addition, we adjust and change a large number of programs which really were not working all that well. For example, bilingual education, the second largest account under title I under the ESEA. Yet we know what happened to bilingual education. It got off track. Instead of kids learning English, we ended up isolating kids, took them on a train track that took them to their language and left them there, put them in schools and classrooms where they basically were being taught in their language and they were not being allowed to learn English essentially, or they were not being asked to learn English.

That is wrong, and it is not fair. They cannot compete in the American society, in the American culture, unless they speak English. We are an English-speaking culture. It is great that people come to this country from all around the world and they speak other languages. That is one of the great strengths of our great melting pot. But the consistent thing is, amongst our culture, we speak English as a society. So retaining one's language, yes, that is essential, but they come through as a result of their ethnic cultural background, and they need to learn English.

Our school system should not isolate kids and not allow them to learn English. So we change the bilingual program so now the stress in bilingual education is going to be teaching kids to learn English so that they can compete in our world, compete in America, and have a shot at the American opportunity.

There are a lot of other major initiatives in this bill that I want to go into as we move down the road, but my time is about up. I want to spend some time, for example, discussing—I will highlight it now—some of the new tools we give parents, especially what are known as supplemental services, because I do think this is a breakthrough approach.

What we are basically going to say to a parent if their child is in a failing school and that school has failed 3 years—by the way, on the effective date of this bill there will be 3,000 schools which will, unfortunately, fall into that category, and therefore this program will be available immediately to those poor parents.

We are going to say to that parent they can take their low-income child to afterschool programs, or maybe to a

school structured so it is during school hours and they will get tutorial support. Those afterschool programs are not all public school driven. They can be. They can be private school driven. They can be at a parochial school. They could be at a private enterprise that does tutorial activities or they could be in the structure of the public school system if the public school system decides to set up a tutorial activity.

We are essentially going to say to that parent, we will give them the money they need to cover, in most instances, all the costs of that tutorial activity. Depending on what town they are from, what city they are from, the costs will be on a sliding scale, but it will be a significant amount of dollars, somewhere between \$500 and \$1,000, which can buy a lot of tutorial support.

So that is a big incentive. First, it is a big plus with a parent, whose child has maybe fallen behind in math or fallen behind in English, to take their child and get tutorial support. It is an equally big incentive for the school systems to get their house in order—very important.

There is another program I also want to spend some time talking about, but I suspect the Senator who is in the chair is going to spend some time talking about it, and that is the charter school system which was authored by the Senator in the chair. We dramatically expanded it. That, again, is another new tool we are going to be giving parents as an option in order to help their kids who are in a failing school. The Senator from Delaware deserves great credit for having authored that proposal.

In addition, I hope we have more time to talk about public school choice, which is another really exciting tool we are putting in place. Public school choice already exists but not with the emphasis we are putting in this bill and not with the transportation costs. In other words, a lot of parents in an inner city, for example, cannot send their kids to another public school, even if the school is failing and they know another public school is across town that is not because they simply cannot get them there. This bill allows the costs of moving that child from the school that has failed to the school that is not failing to be paid for as part of the effort.

So, in addition, there are protections for school prayer, for the Boy Scouts of America, for military recruiters, protections relative to discipline records, a whole series of initiatives that are very important in maintaining the integrity of our school system. I will go into those hopefully in more depth as we move on through this debate, but at this point I understand we are going to sort of go back and forth. I understand the Senator from Massachusetts has speakers until about 2:30 and then we have speakers from 2:30 to 3.

Mr. KENNEDY. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank Senator KENNEDY very much for yielding. I also thank him for his leadership on this very important legislation. I have admired his work in the Senate since I have been in the Senate. There is no legislation, that I am aware of, however, that has passed under his jurisdiction and with his leadership that is more important than this education bill—the Leave No Child Left Behind Act of 2001.

I also would like to thank Senator GREGG. I think he has worked long and hard on this set of issues and also deserves great credit for this final product.

Congressman MILLER and Congressman BOEHNER in the House both deserve tremendous credit, as do many of the Members in the Senate and the House.

Of course, I thank the staff of all concerned for the wonderful work they have done, particularly my own staff member Carmel Martin who has been mentioned by Senator KENNEDY. She has been an integral part of all the negotiations related to this legislation and has done a wonderful job advocating for the proposals and initiatives that I believe are most important. I'm pleased to say that all of those proposals are in the final bill.

Before I get into positive aspects of the conference report, let me say a few things about the disagreement we had at the end of the conference related to IDEA funding and specifically, the Harkin-Hagel amendment regarding IDEA funding. My State of New Mexico has the highest child poverty rate among the entire 50 States. We rank 11th in terms of the school age population growth during the last decade; about 16 percent of our student population is served by special education, which is also one of the highest in the Nation. Providing a comprehensive, responsive system of education and social supports is extremely important in my State and for the entire Nation.

That goal will not be possible in coming years unless we at the Federal level step up to the responsibility we committed to many years ago, and that is to provide 40 percent of the cost of IDEA services. That is not an unreasonable or excessive commitment by the Federal Government, but it is something we have never achieved. We have never achieved the promise we made to the citizens of this country when IDEA was first passed, but it is time we did that.

I congratulate Senator HARKIN for his hard work to get that done, along with Senator KENNEDY. I believe this is an issue that will be revisited next year when we reauthorize IDEA. I will strongly support the full funding provision then, as I did this time.

Let me say a few things about the positive aspects of the legislation currently before the Senate. This is a milestone, as I see it. I recall, and the



Senator referred to, the earlier debates about eliminating the Department of Education. I recall those debates were raging in the Senate when I came in the early 1980s. Unfortunately, they persisted well into the 1990s.

However, we have reached a major milestone. We have turned a corner. We have developed a bipartisan consensus that education needs to be a national priority, and not just a State priority or a local priority. We also have developed a bipartisan consensus that the Federal Government needs to accept substantial responsibility for improving the quality of education, and not just leave that to the States or leave that to local school districts.

I see that as great progress. It is incorporated in this legislation, and that is why I believe this legislation is so significant. I am proud to support the bill. I believe it does contain provisions that can bring revolutionary change to our education system. They do not automatically bring that revolutionary change to our educational system, but they put in place a framework which, if we follow through, can dramatically improve our education.

The most important of these provisions, as I see it, are related to accountability for student performance. They relate to the challenge of ensuring that students actually make progress.

In 1999, Congressman MILLER introduced legislation in the House of Representatives to create an accountability system for student performance with the focus on closing the achievement gaps between disadvantaged student groups and nondisadvantaged groups of students. That same year, I introduced companion legislation in the Senate. In both of those bills, we required new accountability for the quality of the instruction by mandating that teachers be qualified in the subjects they are assigned to teach and requiring public reporting related to student performance and teacher qualification. Our legislation also required that schools demonstrate progress in improving student achievement and closing achievement gaps.

At the beginning of this Congress, over nearly a year ago, we reintroduced our respective bills and we were grateful to receive bipartisan support for our proposals. Senator LUGAR joined me in legislation we introduced in the Senate, and in the House Congressman BOEHNER became very involved in this effort. Perhaps most significantly, President Bush became very involved in this effort, as he indicated he would during his campaign. I congratulate the President for the success he has had and the contribution he has made to this important legislation. I also want to thank him and the other Members for their great work on this bill.

For the first time, I believe States and local school districts and individual schools will be held accountable for improving academic achievement for all students, not just a few stu-

dents. This bill ensures that Federal funds are tied to those gains in student performance. Most importantly, it ties these funds to eliminating achievement gaps.

The components of the accountability system are worth mentioning. Let me mention some of them.

First, raising standards for all students, providing an objective measure for progress.

Second, focusing on the progress of disadvantaged students by setting separate goals for their achievements so that schools must show gains for those groups or be labeled as failing to make adequate progress.

Third, the bill calls for identifying schools that are failing to meet these goals in a timely manner so they can get additional funding, so they can get additional support. If they still cannot show improvement after that funding and support is provided for a period of years, then it provides some strict consequences for the chronic failure to adequately serve those students.

Next, the bill calls for working to ensure that every class has a qualified teacher and that low-income and minority students are not taught by unqualified teachers at a higher rate than are other students in our school systems.

Finally, the bill provides an expanded role for parents.

As described by Senator KENNEDY and Senator GREGG, this empowers parents and gives them a report card that parents can take to understand precisely the quality of the education their child is receiving.

Although we need to do more for IDEA funding and on the appropriations front—and that debate will continue next year—the conference report does include increased authorization levels for key programs. In addition to the set-aside for accountability and turning around struggling schools, the bill guarantees that States receive at least \$3 million each to help develop required assessments. It authorizes \$490 million nationally for this purpose. The bill sets out authorization levels for title I that lead to full funding for that program.

The bill also authorizes resources to help create 21st century schools by authorizing the use of Federal funds for school renovation, providing \$650 million to improve school safety, providing \$1.25 billion for afterschool programs, and \$2 billion to integrate technology into the classroom.

I should also note that the technology program in current law, which I helped to author, has been improved by making teacher training in technology a priority for the \$1 billion provided to school districts nationally. The conference report also authorizes a separate teacher training in technology program for Schools of Education so new teachers will graduate with the skills they need to use technology to improve student performance. These measures will ensure that teachers will

know how to effectively use technology in their classroom instruction.

There are several provisions in here that I want to highlight that relate to improving high schools. Most of the Elementary and Secondary Education Act has historically focused on elementary schools, and that is appropriate. But we have some provisions in this final bill that relate to high schools and to improving the quality of teaching at the middle school and the high school level. One of those is the advanced placement program.

This bill includes a new measure supporting advanced placement programs. I sponsored this measure with Senators HUTCHISON and COLLINS and I thank them for their support. It provides high school students with challenging academic content in advanced placement courses. They raise the bar for academic standards and allow students to earn valuable college credits.

Last year there were about 1.5 million students who took advanced placement courses in this country. Unfortunately, that does not represent nearly the number of students it should. Only 54 percent of the Nation's high schools currently offer advanced placement courses. The rest do not. There is much more that can be done here.

The purpose of the advanced placement measures included in this bill is to build on the existing Advanced Placement Incentive Pilot Program to provide grants to States and districts seeking to raise academic standards through advanced placement programs. This is an extremely important initiative.

In my State, we have one school district—the Hobbs Municipal Schools—that has made tremendous progress by emphasizing the advanced placement instruction and the pre-advanced placement instruction in their middle schools and high schools. This is something that I believe all students throughout the country could benefit from very substantially.

Another program contained in this bill that is a major benefit for high school students in particular and middle school students is the dropout prevention initiative.

When the Governors met with former President Bush in Charlottesville at the National Education Summit many years ago, one of the national goals identified for the country was that we would have at least 90 percent of all of our students completing high school and getting a graduation certificate before they left high school. That was the goal set. Unfortunately, we have done very little to achieve that goal in the 12 years since it was identified.

This legislation, for the first time, makes dropout prevention a national priority. That is extremely important in my State. We have the unfortunate circumstance that a disproportionately greater number of minority and low-income students wind up leaving school before they graduate. There are over 3,000 students who drop out of school

each day in this country. Hispanic youth are nearly three times more likely to drop out than non-Hispanic students in our classrooms. The disparity is equally great for Native American students. The Dropout Prevention Program provided here commits Federal funds and grants to local schools and school districts to help them deal with this very important issue.

Senator REID of Nevada cosponsored this legislation with me and deserves great credit for his longstanding support of the effort we made to get attention to this dropout problem. I am very pleased that is included in the bill.

One other provision I want to highlight that I believe is very important is the Smaller Learning Communities Program.

I am persuaded—and I believe the evidence clearly demonstrates—that when larger school buildings are divided up into smaller learning communities, the student achievement levels rise, the dropout rates decline. There is greater security, less violence, and less absenteeism. This is an extremely important initiative. Again, this is something that I think is a very positive provision in this legislation.

Let me highlight a few programs that have great significance in my home State of New Mexico.

The bill authorizes the program related to tribally controlled schools and Indian education. One in four of all tribally controlled schools is in my State of New Mexico. We also have many Native American students in our public schools. We worked closely with our colleagues on the Indian Affairs Committee to improve the existing legislation governing these programs.

In addition, the bill revamps and expands a program providing funds to districts with a large Federal presence, or impact aid districts. These districts have smaller, and in some cases have no local tax base because of the existence of Federal land or Indian land within that school district. Under this bill, the existing construction program for these districts is expanded so that more districts can qualify for Federal assistance for facility renovation and modernization.

There are other very important initiatives in this bill. We substantially expand the program that assists students with limited-English-proficiency. That is a very important program for my State, where over 20 percent of our total student population are English Language Learners.

The report also includes a program for small and rural districts. In my state 88 percent of the districts are rural and 45 percent serve fewer than 1,000 students. The rural program in the conference report will ensure that these districts can effectively use their federal resources.

I know there are others waiting to speak. Let me conclude by again thanking Senator KENNEDY and Senator GREGG for their leadership, and

their staff, and Danica Petroshius, in particular, for all of her work with us; again, my own staff member, Carmel Martin, who worked so hard on the legislation.

I see this as a very major step forward. I look forward to following through. As I said, none of this is self-implementing. This is authorizing legislation. We will need to come back each year for the next 6 years during the time this bill is in effect and see to it that adequate resources are provided so that these programs can be adequately funded and so that States will not be able to legitimately say that it is wrong to hold them accountable if we do not provide them with assistance. I think we can and should do that. We must follow through so we can do something here that will make a major difference for future generations in this country.

I am very pleased to support the legislation. I urge my colleagues to give it a positive vote.

Thank you, Mr. President. I yield the floor.

Mr. KENNEDY. Mr. President, I thank the Senator from New Mexico. He mentioned the whole issue of the Governors' meeting in Charlottesville. Senator BINGAMAN, I think, more than anyone else from that meeting up until this legislation, has followed the issue of accountability in the development of education and education standards. The issue on dropouts that he mentioned has been included in here. Advanced placement, smaller learning communities, education technology—this legislation reflects a great deal of what the Senator has been interested in and has spoken to. I thank him not only because of all of that, but he has made an indelible mark on this legislation. I am grateful to him.

I see the Senator from Indiana who, again, on the issue of accountability, has been enormously schooled in this subject. When he arrived here in the Senate and started speaking about education, I took the chance to look back over Indiana and found that this was his No. 1 one priority as Governor. He arrived here with a very keen insight into ways we could be more effective in trying to benefit children in learning. Although not a member of the committee, he has been very much involved with this legislation. We always benefit from his comments and insights. I am delighted to see him in the Chamber.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I thank my colleague, Senator Kennedy, for those very gracious remarks. I am pleased to have his strong support of the conference report on H.R. 1, the No Child Left Behind Act of 2001.

I would like to begin by thanking all of my colleagues who brought us to this moment today, starting with Senator KENNEDY. From the very beginning, Senator KENNEDY has been results-oriented in trying to strike the right balance between principle and

practicality and has given clear evidence in this debate about why he is considered to be one of the most accomplished legislators of our time.

Senator KENNEDY understands that the art of legislating is not the same as being in a political science classroom. It is not the same as having an ideological debate. The end of the debate is what matters in what we can do and what we can actually accomplish to help people of our country—in this case, the schoolchildren of America. I thank him for his leadership and for his dedication and perseverance.

Also, I thank my colleague, Senator GREGG. Senator GREGG is a former Governor. He has labored in these vineyards for many years. I thank him for his very able leadership throughout this process. We wouldn't be here today without him.

I would like to express my gratitude to the President, who was good enough to call some of us down to White House, even before he was sworn in, to offer his commitment. He very clearly wanted to make this legislation his top priority. He wanted to work on this in a bipartisan fashion. He wanted to have accountability and some of the other landmark accomplishments that are included in this legislation. I thank him for his leadership.

Also, I thank Sandy Kress, the President's chief liaison on this issue. I think the Presiding Officer is aware that Sandy is not only very schooled in the subtleties and the complexity of education policy, but he is also a card-carrying member, and in fact dues-paying member, of the Democratic Leadership Council. I believe this may be the very definition of bipartisanship when it comes to the education debate. I thank Sandy for his leadership.

Our colleague, JOE LIEBERMAN, will be in this Chamber before long. I thank JOE for his courage and persistence. We would not be here today without his perseverance and dedication to these issues. He is a true leader, a true statesman. I want to acknowledge today his indispensable contributions to this conference report.

I thank the staff. I thank Elizabeth Fay of my own staff, who has worked tirelessly, sometimes late into the night and early in the morning. She has been my strong right arm. I am grateful to her.

I thank Senator KENNEDY's assistant, Danica Petroshius, Michele Stockwell of Senator LIEBERMAN's staff, Denzel McGuire of Senator GREGG's staff, Charles Barone of Representative MILLER's staff, Alex Nock of Representative KILDEE's staff, Sally Lovejoy of Representative BOEHNER's staff, Kathleen Stottman of Senator LANDRIEU's staff, and all the rest of the staff on both sides of the aisle in the legislative branch and at the White House. They make it possible for us to do our jobs. I want to say how grateful we are to each and every one of them. I also want to thank Will Marshall and Andy Rotherham of the Progressive Policy

Institute and Amy Wilkins of the Education Trust for their advice and support.

Last, but by no means least, I thank the majority leader, Senator DASCHLE, who has scheduled this debate and action on this bill. We are grateful to him for his leadership and for his statesmanship. I want to acknowledge the fact that, with Senator KENNEDY's agreement, he placed Senator LIEBERMAN and myself on the conference committee. This was a new development. I thank him for his confidence. I hope we have demonstrated his confidence in us was well placed. As a matter of fact, I was joking with Senator KENNEDY at one point in the debate—only one point—it seemed as if those of us who were not regular members of the committee were even more supportive of the chair than regular members of the committee. So this is perhaps a small precedent of some kind.

In any event, for Senator KENNEDY's willingness, and Senator DASCHLE's willingness, to put confidence in me, I am very grateful. I hope I discharged my responsibilities well, serving on the conference committee.

Mr. President, this is another step in America's long journey toward making education a national priority for our country. The journey began in the mid to late 1800s with the common school movement when Horace Mann, and many others, reached a determination in this country that a good education should not be the province of the elite, the well to do, the wealthy alone, that the consequences of ignorance went way beyond the well-being of a single individual and, instead, affected all of us as a community and as a country.

Nearly 100 years later, in the 1960s, in the war on poverty, we realized that the dream of a good education for too many poor children was, instead, merely a cruel illusion and that we should reach out to those communities and those families without means to make sure they could realize the dream of a good education. Not only so they could realize their full potential as individuals, but equally important, so that our country could recognize our full potential as a great society. So the Elementary and Secondary Education Act of 1965 was born.

Today we gather to recognize that the status quo is no longer good enough. Too many children, particularly poor children, are still at risk of falling behind, and that the failure is not theirs but ours and that of the system which for too long we have been unwilling to fundamentally change.

Today we gather in this Chamber to make progress toward correcting that cruel inequity. The progress we mark today is a victory of bipartisanship and good public policy. Both sides in this debate have been required to put aside long-entrenched ideological positions. There were too many on the one side who believed that the only thing wrong with our public education system was

the need for more dollars. And there were too many on the other side who believed that improving the public education system was beyond all hope and that, instead, it should be abandoned in favor of private school vouchers.

Instead, we have forged a new way, a third way, a better way, that will insist upon change, results, and accountability in our public school system.

There are consequences if results do not occur. There is accountability for all of us to improve the system and give the children the education they so desperately deserve. The consequences of inaction are great today. The consequences for ignorance and a lack of accountability have never been greater. Our country's economic well-being depends upon the quality of the education our children are receiving in classrooms across America today.

In a global-knowledge-based economy, our economic progress, our standard of living, and our competitiveness will be determined by the quality of our children's education. High skills will demand high wages. The days of not knowing very much but commanding high wages and a good standard of living are rapidly receding. Our economic well-being depends upon our success in this arena.

Likewise, there are profound social consequences to our level of success in this regard. The gulf today between haves and have-nots in America is primarily an education gap, a skills gap, a knowledge gap. If we want to avoid the consequences of a large and growing, persistent underclass in our country for the first time in America's history, it will be by winning the battle to improve the quality of education that those who are less fortunate in our society receive.

The very vibrancy of our democracy is, in many important ways, dependent upon our success in this regard because an informed citizenry and participation by our citizens require more knowledge and learning than ever before.

It was Thomas Jefferson, one of the Founders of our Republic—one of the founders of the Democratic Party—who once said: A society that expects to be both ignorant and free is expecting something that never has been and never will be. Jefferson and the other Founders of our Nation understood the clear, indisputable link between knowledge, citizenship, and democracy. It is that challenge that we rise today to meet as well.

The bill we are advocating in this conference report embodies within it major changes in education policy for the schools of America, changes for the better. It embodies high academic standards for all students. No longer will we tolerate the two-track system which embodied within it what the President referred to as the "soft bigotry of low expectations," trapping too many poor children in ghettos of ignorance and, therefore, ghettos of poverty.

Today we will reemphasize the fact that every child can learn and that

every child should be given that opportunity, that expectations matter, and that we should expect the very best from all of our students, not just those who have been born to greater privilege than some in our country.

This legislation embodies meaningful assessments to evaluate progress each and every year. There are clear definitions of how much progress we will consider to be good enough, with the goal of 100 percent proficiency within 12 years. And there is a focus on subgroups so we ensure that no group of America's children—the economically disadvantaged, the disabled, those who do not speak English as a first language, those who come from racial or ethnic minorities—that those children's futures will not be left behind, and their lack of adequate progress will not be masked by the progress of the majority of our schoolchildren, because these schoolchildren from these subgroups are as near and dear to the heart and future of our country as any others. They must not, and shall not, be left behind in this legislation.

The bottom line is that every school, every district, every State, and each and every one of us, will be held responsible for the progress by our children each and every year.

This legislation strikes the right balance between Federal and State responsibilities, making this clearly a national priority, because the progress of education will have national consequences for years to come for every American, but still recognizing that State and local officials and governments must take the lead in devising ways to implement this vision because they are ultimately closest to the schools with accountability to citizens at the local level.

This legislation contains a strong commitment to teacher quality with \$3 billion to recruit and train good teachers. This is vitally important because, after parental involvement, the most accurate predictor of a good education for a child is the presence of a quality, motivated teacher in that classroom. Nothing is more important, besides parental involvement, to the future of educational progress.

This legislation contains within it a robust commitment to parental choice and the inclusion of market forces within our public education system, while still retaining the genius of a public education, which is the implicit guarantee of a good education for everyone, not just those who would do well in a purely market-based system.

I would like to take a moment to salute the leadership and the work of the Presiding Officer in this regard. These provisions would not be what they are and would not have been included in this legislation without the Senator from Delaware. I want to acknowledge and thank him for his steadfast leadership and support on this bill.

We have public school choice for every parent where a school has not done well enough in making progress

within 2 years. There are supplemental services after 3 years, giving parents a choice for afterschool, summer school, and weekend tutorials to make sure the kids get the education they need. And finally, there is a meaningful, determined commitment to charter schools, making them an integral part of the public education system, to give more vitality, more innovation, and more accountability to public schools through charter schools. I thank the Chair for his leadership in this regard. My own capital city of Indianapolis just designated the first of four charter schools in Indianapolis. We look forward to benefiting from the provisions the Chair has championed in this bill.

There are major provisions in this bill to help those who are limited English proficient. We also do a better job of targeting resources to kids who are most in need. Senator LANDRIEU from Louisiana championed the targeting provisions in this bill. I always thought it was one of the ironies of ESEA that so many schools with a high concentration of poverty children, in fact, receive next to nothing in terms of support from the very vehicle that was designed to rectify this inequity.

In conclusion, let me say two things: First, nothing is perfect. Even with all of this historic progress that I and others have outlined, this is a major step forward. But, of course, many of us would like to have seen us accomplish even more, particularly in the area of funding. We have made a major step forward in regard to ESEA funding and with that, an implicit commitment to make even more historic increases in the years to come toward full funding of this vital program. I voted consistently—I know the Chair and others did—for more funding for IDEA. This includes a \$1 billion downpayment as commitment toward full funding of this initiative which is not only long overdue but vitally important to the educational progress of children with disabilities across America. We must do better in this regard. We will do better.

The choice was the progress we have outlined in this bill or nothing—nothing for another year, nothing year after year for America's schoolchildren. While there is work yet to be done, I don't think the appropriate course was to set aside the progress that is here to be made because, frankly, we cannot afford to wait any longer in making all the progress that we practically can for America's schoolchildren. That is why I support this bill and why I am also dedicated to coming back and finishing the business with regard to IDEA and ESEA funding.

Let me conclude by saying, 2 years ago, on the floor—Senator KENNEDY may remember that I quoted Winston Churchill when he spoke at a time of great trial for his country, a time of military trial for his country. I will paraphrase him once again today as we gather to make progress with the successful conclusion of this debate on re-

forming education. At that time, Churchill said that they had not reached the end and perhaps they had not reached the beginning of the end, but at least certainly they had reached the end of the beginning. So have we.

Let us begin to provide the kind of historic advancements that America's schoolchildren have needed for so long. Let us begin to make meaningful progress in closing the inequities in income in our country by making knowledge and education affordable and available to all of our children, regardless of race, creed, color, religion, or income. When we do that, we will look back on this day's work with gratitude and satisfaction that we have made a difference in this body.

I thank Senator KENNEDY for adding another illustrious chapter to his long career of public service to our country. I thank him and my colleagues, including Senator DODD.

Mr. KENNEDY. Mr. President, I mentioned earlier how much we value our colleague's participation in the fashioning and shaping of this legislation. He remembers that we had a 2-week debate without conclusion in the year 2000 on this legislation. We had 8 days of markup even this time. The legislative effort has been ongoing. It is a better product as a result of it. Frequently legislation gets derailed.

I again thank the Senator for all of his good work and his counsel. I know he will be very much involved as we follow on with this legislation with a reauthorization of higher education.

I see my friend and colleague from Connecticut, Senator DODD has, as all of us know, been the chairman of the children's caucus and has always taken a great interest in education, as well as children's interests. He has been very much involved in this legislation, he and Senator DEWINE, with our safe and drug-free school features that are so important now in terms of violence in schools, the afterschool programs, which are so essential. He has been the principal advocate for those programs, the private character education, early childhood educators, a whole series of measures that have been included in this legislation as a result of his strong work. We are delighted to see him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me add my voice to those who have already spoken in commending the chairman of the committee, Senator KENNEDY, and the ranking Republican on the committee, JUDD GREGG of New Hampshire, for their leadership, and JOHN BOEHNER, the chairman of the House committee, along with GEORGE MILLER of California, the ranking Democrat. They have been the four principals responsible in the last few months for putting this proposal together. The adjectives describing the contributions of my friend and colleague from Massachusetts are merited, considering the amount of time and effort he has put into this product. Later in my re-

marks, I will acknowledge the key staff people who have put in tireless hours—forgoing weekends, evenings, and vacations—to try to reach compromises on some of the thorniest issues of this legislation.

I thank Senator JIM JEFFORDS of Vermont. Senator JEFFORDS began the process as our Senate Education Committee chairperson. He has fought hard for his entire career in public life on behalf of education and certainly made a significant contribution to this bill, particularly in one area he cares about especially deeply, special education. I gather Senator JEFFORDS may not vote for the conference report at the end of the day because of his deep disappointment over the fact that we did not include mandatory spending for special education. I share his concern.

Full-funding for special education gained broad support in this body. Unfortunately, neither the other body in conference nor the administration was supportive, despite the rhetoric of many years for meeting the goal of full-funding; that is, the Federal government providing 40-percent of state's special education costs.

In fact, I see my good friend from New Mexico, PETE DOMENICI, in the Chamber, former chairman of the Budget Committee. I recall sitting on that committee with him some 12 years ago when we actually had a tie vote in the committee on fully funding special education. We will come back to this issue, even though we didn't include it in this bill.

The interest and concern of communities all across the country is well founded on this particular issue. I will get into it in a little more detail later. But, in any event, Senator JEFFORDS deserves a great deal of credit for his tireless efforts on behalf of children, particularly those with disabilities.

I also thank President Bush. He is getting a lot of credit these days for the conduct of the war in Afghanistan, and rightfully so. All of the news has been focused on that. But he deserves a great deal of credit, in my view, for making education his top domestic priority. We may have our disagreements, including on significant parts of this bill, even though I intend to support it. But, this administration is quite different from administrations past that we talked about eliminating the Department of Education. We now have a President who is has made education his top domestic priority. Without his leadership on this, without his insistence that this issue be pursued by this Congress, I don't think we would have arrived at the position we have today. I commend the President for his commitment to this cause.

I hope it remains throughout his term in office. I hope that during these next 3 years when he submits his budget to the Congress that education will be among his top domestic priorities there, as well. I am confident it will, based on his dedication over the previous year to this issue.

I have said I had some concerns about the bill. Obviously, all of us do. That is the nature of compromise.

The bill, as we know, requires testing of every child, all 50 million, who go to public schools. Of the 55 million children who go off to school every morning, 50 million go to public elementary or secondary schools, and 5 million to private or parochial schools. We are going to test every child in the third to the eighth grade every year in math and in reading. I think that has some value.

My concern is that we may be tilting more toward diagnosis than treatment. Then again, you can't treat unless you diagnose, so I accept the notion that you have to take children's temperatures, if you will. My concern is the obvious one—that once we take their temperatures, are we then going to put the resources into the most troubled communities in America so that these kids get the treatment they need to pass not only the tests they will be required to take in third through eighth grade, but passing more difficult tests in life as to whether or not they can become good citizens, whether or not their education is full and rounded, whether or not they are going to be good parents, whether or not they are going to make a contribution to the economic well-being of our Nation.

This bill makes it clear that we must have high expectations for every child, regardless of race, disability, limited English proficiency, or income. Because quality teachers are so critical to children's success, this legislation will insist that all teachers be highly qualified within 4 years. That is a tremendous goal, Mr. President, one which I strongly support.

The underlying question I have in all of this is whether or not we will provide the resources, budgetary and otherwise, to achieve those goals.

We have added measures to ensure that schools will be accountable for students' progress in reading and math, and in limited English proficiency for students learning English. That is something I strongly support, also.

This bill ensures that Federal education reforms and resources are targeted to our neediest children. There are also many parts of the bill that are of particular interest and importance to me. Let me enumerate them quickly.

One is that we protected and expanded 21st Century Community Learning Center Programs after school. I know I am preaching to the choir when I talk to my colleagues about this. We understand that this is a dangerous period of time for kids after school. You need only talk to any parent in the country about what happens after school—this is when children are most likely to become victims of a crime, or become involved in bad behavior that could undermine their education and their well-being.

We provide something I have felt strongly about for years—professional

development for early childhood educators through competitive grants to local partnerships that focus on helping teachers in child care and other early childhood education programs that support children's learning and development. Again, I am preaching to the choir.

I welcome the administration's support for early literacy through the Early Reading First program. The Early Childhood Educator Professional Development grants will complement, rather than duplicate, those efforts, by providing educators with training in all the domains of child development—social, emotional, physical, and cognitive. We must remember that a child's school readiness must include a knowledge of letters, but also how to follow directions, how to work independently or with others, and how to resolve conflicts without aggression, to name a few.

These programs work, and there are not enough of them. Children with better qualified early childhood educators have better behavior skills, better vocabularies and pre-reading skills, lower juvenile arrest rates, and do better in school. Yet, most early childhood educators have only a high school diploma. Professional development therefore is critical.

I thank Senator DEWINE. He and I have worked for many years on Safe and Drug Free Schools. This bill reauthorizes that act and makes significant improvements to it. It ensures that programs under the act will be in response to identified State and local needs, will be based on proven or promising theories, will have clear and measurable goals, and will be undertaken with parent and community input. That is as it should be. These are the people who know best at the local level where the resources should go. The Safe and Drug Free Schools Act has been most successful over the years.

I see my colleague from New Mexico here. He and I have championed and worked together on character education for some time. There has been no stronger advocate than Senator DOMENICI for that. We started out with a tiny pilot program a few years ago because none of us knew for certain whether this noble idea would actually work in practice. As a result of those pilot programs, over the years, we have seen marvelous achievements made by kids in some of the toughest communities and poorest communities in America. As a result of those pilot programs, character education is now part of the seamless garment of learning. Students who receive character education carry with them throughout their lives not only the ability to contribute to society, but also the understanding that it is their responsibility to contribute. We now have some \$25 million in character education grants to go to local communities. That is a 300-percent increase over where it was. So I thank my colleague from New

Mexico for joining with me over the years in that particular program. I know he will address that in a few minutes.

I am also pleased to tell you that this bill includes strong privacy provisions to ensure that schools are centers of learning, not centers of market research. Senator SHELBY of Alabama and I, along with Congressman MILLER, have worked hard to see to it that parents have a right to know whether their children are being used as marketing tools and the right to say that they don't want their children to be a part of that. It is hard enough to get kids to learn. I am nervous about businesses reaching into captive audiences of kids and probing them about themselves and their families without parental involvement. This bill now adds very strong provisions in that regard. Parents wouldn't allow somebody to come into their home and question their 7- or 8-year-old child without permission. Now, parents will have the right to keep that from happening in the schoolroom—children being subjected to marketing techniques that may violate families' privacy and also used to develop product lines.

Today also marks the end of the injustice of treating Puerto Rican children as second-class citizens under title I. I thank my colleague from Massachusetts for his leadership on this. I thank Commissioner ANNIBAL ACEVEDO VILÁ, the Governor of Puerto Rico, Sila Calderon, and others who have fought very hard to see that we treat Puerto Rican title I children just as we treat every other child in the United States. We do that in this bill. They deserve the same educational opportunities as all American children. They are going to be subjected to the same testing requirements. The expectation that these children perform is just as high in Puerto Rico now as in any other State. Now, they will receive not three-quarters of their allocation of title I funds, but 100 percent.

We have set high goals for title 1 authorizations. Senator COLLINS of Maine and I drafted an amendment that passed with 79 votes for full funding for title I. This bill doesn't have full funding for title I, but this Chamber went on record supporting full funding. I thank Senator COLLINS for her work in that. We didn't achieve it here, but our goal is that this will ultimately be what is supported by the administration and our colleagues here. The concern I have is one I have expressed all along, and that is whether or not the resources are going to be here to support the reforms. We are taking a leap of faith. Many advocated that we wait before adopting this conference report until the President submitted his budget in January.

We could have waited a few weeks to see what President Bush puts on the table before we passed this 6-year bill. We are not going to do that because we are going to rely on the commitments made by the administration that the resources will be there.

I would point out that in the midst of this recession, State education budgets have declined in excess of \$11 billion since last year. So the demands are going to be even greater than before. The number of low-income students is going to go up. The number of title I students will increase. State budgets are going down. Whether or not we have applied adequate resources, only time will tell.

On this issue, the President's rhetoric far exceeds his action so far. I do commend him immensely for making the education issue his top domestic priority. I can only hope that when the budget is submitted come January, the numbers on title I—the numbers needed to support these reforms will be there. We will also continue to fight for full funding of IDEA. The pressures are going to be significant there. By providing only 15 percent, rather than 40 percent, we consign every community in America to making up the difference in their special education budget. That means added pressure on local communities, most of whom pay for education with local property taxes.

As I said recently, if we were debating the Defense budget, we would not tolerate anyone saying: This is the best we could do. If it was the Defense budget, we would say: Don't tell us it is the best you can do; tell us what you need and we will provide it. I happen to think education is as important an issue as there is, if not the most important issue.

In our democracy and free-market economy, education is critical to success. I would like to think we would do all that needs to be done. So, I am disappointed in the budget numbers, but I am confident that over time, we will gain the support we need to provide the resources necessary to implement the reforms included in this legislation.

To give my colleagues an idea, the title I increases in my State of Connecticut are not insignificant, a 20-percent increase in title I funding which will be very helpful. In Hartford, CT, that means going from a little more than \$16 million to in excess of \$22 million, a 37-percent increase in title I. New Haven will go from almost \$12 million to in excess of \$16 million, a 33-percent increase in title I funding. These are Congressional Research Service estimates. That is significant, and those additional dollars are going to go a long way in serving the neediest children in two of the largest cities in the State of Connecticut.

The issue is whether the appropriations will be sufficient this year and in the future to implement the reforms in this authorizing language. Again, I hope that that will be the case in the coming years, that we will continue this bipartisan effort that marked this legislation and that the appropriations process will be not just bipartisan within Congress, but also between Congress and the executive.

In closing, I also thank Shawn Maher, Lloyd Horwich, Grace Reef, and

Patrick Rooney of my office who have done terrific jobs. From Senator KENNEDY's office: Danica Petroschius, Jane Oates, Roberto Rodriguez, Michael Dannenberg, Dana Fiordaliso, and Ben Cope were tremendously helpful and supportive in listening to all of us and our staffs as we worked through the legislation. I thank Denzel McGuire and Townsend McNitt of Senator GREGG's staff, and I thank all the staff of other Senators from the conference as well as members of the House staff, all of whom should be commended.

As I said earlier, their names are not well known, they are not elected to office, but we all know that without their Herculean efforts late at night, on weekends, and in lieu of vacations, we would not be here talking about this fine legislation that we will ask our colleagues to support.

Sandy Kress of the White House and his staff, as well, deserve tremendous credit for staying at the table and seeing us through this process.

I immensely commend my friend from Massachusetts for the tremendous effort he has made on this legislation and his significant accomplishment. He deserves a great deal of credit for it. I yield the floor.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I mentioned before a number of the provisions in which the Senator from Connecticut had been particularly interested. The one I had not mentioned and the one I welcomed the opportunity to work with him on was full funding of the title I for Puerto Rico. If we look over the percentage of men and women who serve in the military, they come from Puerto Rico. They are at the highest, if not the highest, of the top two or three equivalent States.

If we look at Congressional Medals of Honor and other awards—these are individuals who have always been there. They are American citizens and their children should receive the full benefits of the legislation.

I welcomed the chance to work with Senator DODD and our conferees to make sure that was going to happen over time.

I thank the Senator from New Mexico. He is not a member of our committee—and he will express his views—but if my colleagues will take a moment and look on page 434 for the provisions to improve the mental health of children, as well as character education, which Senator DODD mentioned—character counts also includes community of caring programs as well—Senator DOMENICI has been the leader in this institution of making sure we have parity and equality in mental health. This has been one of his great causes. He has educated this body and educated the country. He and Senator WELLSTONE are two real champions in understanding there are mental health challenges for children and for students.

Senator DOMENICI has been enormously helpful to our committee. He has made a very important contribution to the development of this legislation. We are enormously grateful for his interest and involvement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the distinguished Senator from Massachusetts, the chairman of the committee, I greatly appreciate the comments he made with reference to both character education and the issue of our schools integrating mental health systems that are operating outside the schools but should be in the schools. That is on page 434. I am very pleased it was added.

I offered this issue as an amendment and turned it into a grant program that is modeled after the language of an amendment. It is going to go a long way toward using the community's mental health resources to help public school children who have mental health problems.

Second, I thank Senator DODD who spoke a moment ago about his and my involvement in a program that involves character education. My colleagues will remember when I first talked about it in this Chamber, Senator Sam Nunn joined me and then Senator DODD. Senator DODD fell immediately into succession when Senator Nunn left, and it became known as the Domenici-Dodd approach in the Senate.

The Senator from Connecticut found some exciting ways to do this in his State. So have I. One of the most exciting things I have done in education is visit schools with character education as part of their program, with the voluntarism it brings to bear and the wonderful feeling it gives to children and teachers to know in their regular education they are also learning what the word "responsibility" means, what the word "trustworthiness" means, which essentially is: You should not lie; you should live up to contracts and agreements.

And there are other programs that are part of the character counts approach. These are used to get children excited about character and the principle attributes that make somebody a person of character. We all know that is very important, and I am very thrilled to have been part of that over the years. It is working in so many States.

I thank Senator DODD for his leadership. I will work now on the appropriations to see if we can get the full \$25 million. This is authorized, but we have to get it appropriated. That is a small amount. Everybody should know the reason it is small is we do not tell anybody how to do this part of education. We merely offer money to them for centers or resource-based facilities so they can pass on the word and the tools to various teachers and organizations. We want character counts taught by teachers at the local level, using local people to implement it.



Nonetheless, walk into a classroom of sixth graders and see that this month is the month of responsibility. See the walls loaded with posters about responsibility, and then sit down with them while they talk about responsibility. Then go to the class reunion which they do once a month. They make the awards themselves for those who have been most responsive, for those who have been most trustworthy, for those who have been best in their citizenship. It is exciting, it is moving, it is very positive, and rather fantastic, because one might say we have been spending a lot of money and trying a lot of things. We have remained rather constant in one way of doing it for almost 40 years. Essentially, we changed it only in that we pushed for more resources in that 40-year approach.

I might say the time was ripe for change, and this President made it part of his effort. As a matter of fact, it probably can be said that only because he has pursued it as he has have we finally produced an education bill that is significantly different and has significantly different qualities and characteristics about it than we have ever had before.

I want to, in my own way, tick off a few of them. First of all, I am pleased that in addition to character education expansion, better mental health coordination, and teacher recruitment centers are in this bill. I introduced an amendment in that regard, too, and that is going to be very helpful because, if anything, we know we are not paying our teachers enough and that movement of paying more is catching up State by State.

We need to help our teachers be better teachers because the fact is, we know in many instances they need help and they need to be better educated, especially in the specialties that will make these students better and more well rounded, better at math and science and technology.

In addition, in educational funding this bill authorizes significantly more money. We are very hopeful the appropriators will come close. The amount this bill authorizes is \$26.3 billion, and that is dramatically up from last year.

The other thing that is new and different is enhancing accountability and demanding results. There were many who questioned that, but in a sense what has come out in the conference is good. It is good in that it requires report cards on school performance. States using Federal dollars must show success on an annual reading and math assessment for students of third grade through the eighth. Four hundred million dollars is authorized to help the States administer this new approach.

There were some who were saying they will not have enough money to put this into effect. That was cut through and some extra resources were given so they can do what is necessary to enhance the accountability and prove there are results.

We have unprecedented State and local flexibility. That is contentious

nonetheless because there are some who do not want to do that. They want the Federal Government to remain in charge. Compromises were forthcoming, but we might say we are going to be trying unprecedented State and local flexibility, not as much as some want but more than some wanted in this area. I think the compromise is going to prove in 2 or 3 years that we probably ought to give even more flexibility to the State and local people.

We have streamlined bureaucracy and reduced red tape in the process of putting programs together. We have made 45 programs out of 55, and then we have given a certain number of districts an option to opt out of the Federal program and opt into one with pure flexibility. We do not do that for everyone because some are very frightened about what might happen. But I think we allow approximately 150 schools to voluntarily pull out from the details, spend the money on the ideas, and see which comes out better 3 or 4 or 5 years from now in terms of student and teacher education.

We have expanded parent choices. Children in failing schools are going to be allowed to transfer to better performing schools or to charter schools immediately after a school is identified as failing. I do not know whether that is going to work. We all know that is a difficult concept. We do not know in some parts whether there are going to be enough schools for them to transfer to. Nonetheless, this certainly sets the stage and sets a standard that the United States ought to give parents more choice if parents are willing to be part of it, help with transportation and other things. Then we go into reading where for the first time we have a very major change in that almost a billion dollars is authorized for reading. That is very exciting. I hope they fund the appropriations.

In Early Reading First Program, there is some money, asking that it be part of the Federal program, and then it lays the groundwork for important reforms in special education. It has already been said we did not move totally to mandatory funding of that program that we are so concerned about, a program called IDEA, but we are moving toward more funding rather than less.

The distinguished Senator from New Hampshire, Mr. JUDD GREGG, is in the Chamber. He is the one who pushed the Congress more adequately fund IDEA. We started about 5 years with him pursuing this, and for the first time in the history of IDEA, special education, we started to fund it at higher levels. In this bill, we move even more in the direction of seeing to it that schools are not overburdened because the Federal Government puts more money into this program.

We have something in this bill to make schools safer, something for English fluency, and we have some special safeguards regarding rural schools. That is exciting, and that means we

have concern that the regular programs that exist in a city such as Albuquerque might not work in a school district in Deming, NM, which is considerably smaller and very rural.

So I hope when we are finished, the President will sign this bill, and I hope he takes some credit for it because, indeed, he deserves substantial credit for it, as do a number of Senators, including Senator KENNEDY, clearly, as the chairman of the committee, Senator GREGG, and many others. I am not on the committee, but I do a little bit because I am genuinely interested and concerned, and I think we have added some special ideas to this bill.

I want to thank those Members who allowed those ideas to find their way into this bill, and clearly our next step is to see how much the appropriators are going to appropriate. This is an authorizing bill. It must be funded. I hope in the next week we will know, and we will be telling the appropriators that we have praise for their work because the most important aspects of this bill would have been funded by them in the health and human services appropriations bill.

I thank the Senator for yielding me time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see our friend and colleague from Delaware in the Chamber. I wanted to again point out to our colleagues that again he is one of our newer members, but he spent a great deal of time making education a top priority in Delaware.

I have listened to him speak about education on many different occasions. He has been enormously active during our debate on this legislation on the charter school programs and also on the voluntary school choice programs. We are very grateful for all of his interventions and for his strong support.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I begin by thanking Senator KENNEDY for his kind words. A year ago this month, I was privileged to be in Austin, TX, at the Governor's house for a fellow who had that day stepped down as Governor of Texas and was about to become President of the United States.

There were any number of Senators present that day, a number of Representatives from the U.S. House of Representatives, and one sitting Governor—that was me. Absent from those in attendance that day was Senator KENNEDY.

We spent the better part of an afternoon discussing with the new President-elect what kind of changes we should make to the educational system in our country. I remember returning from that meeting, that extended discussion, and calling Senator KENNEDY on the phone to share with him a little bit of what took place in his absence.

I recall reading almost a year ago there were some in this city who were saying education reform would be at



the forefront of the President's agenda, and that a good deal of it would take place with or without the involvement of the ranking member and now chairman of the committee, Senator KENNEDY.

As it turns out, Senator KENNEDY ended up being in the center of the action. He and his staff helped to shape, in no small part, the agenda. I want to express my thanks to him for his support and his acceptance of provisions offered by Senator Gregg and myself with respect to public school choice and charter schools.

I say to Senator GREGG, who is present today, how much I appreciate the opportunity to be his ally, to make sure that as we assess the schools in this country and provide leadership in Washington, we not only support the States in establishing strong standards and assessing student performance, but also empower parents by giving them greater choices as to where their children will go to school.

I want to mention a few others who played an important role in shaping this bill and in supporting the measures that Senator GREGG and I advanced with respect to public school choice and charter schools. We have already heard from Senator BAYH. Later, I suspect we will hear from Senator LIEBERMAN, Senator LANDRIEU, and Senator FRIST, all of whom played an incredibly important part in the conference and in the debate on this legislation. I want to also recognize a few of my old colleagues in the House of Representatives, including Chairman BOEHNER and Congressman MILLER, who have been mentioned, as well as some Members who have not been mentioned. To MIKE CASTLE from Delaware, TIM ROEMER of Indiana, ROB ANDREWS from New Jersey, and HEATHER WILSON of New Mexico, I want to say a special thanks for the great work they have done to give us a solid compromise. And I take my hat off to the President. He has made this his primary initiative coming out of the starting block and has done wonderful work, along with Sandy Kress, Margaret Spelling, and others from the White House staff.

If I could draw a rough analogy to a war going on on the other side of the world, the military campaign in Afghanistan, we are providing more money for our military operations. We are saying to those leading that operation: We will give you significant flexibility in how you use the resources. We will not try to micro-manage the war from Washington. But we are going to hold you accountable for results.

If you think about this legislation, in an effort to ensure better results from our schools in America, we have agreed with the President to provide more money for our schools. We have agreed to provide that money with greater flexibility to be used in our schools as our school leaders at the local level believe is best suited to raise student

achievement. And we have agreed that, while we will provide that money, more money with greater flexibility, we will demand results. We will not throw good money after bad. We want results. There will be consequences for those schools that do well and consequences for those that do not.

That is the basic compact at the heart of this legislation—greater funding and greater flexibility in exchange for greater accountability for results. Beyond this, we have added measures to target federal dollars where the need is the greatest. We have also included report cards for parents, report cards that will give them the information they need to assess the performance of the schools their children attend. We do this because we want to empower parents to make choices for their children and we want to bring market forces to bear, competition to bear, within our public schools.

If we had debated this legislation 6, 7, 8, or 9 years ago, we might have come at it in a different way. A decade or so ago, I know of no State which had adopted rigorous academic standards—no State that had spelled out what they expected their children to know and be able to do in reading, writing, math, and social studies. Today, all but one State in America has adopted rigorous academic standards, spelling out what they expect their students to know. A decade or so ago, we didn't have States that had developed tests to measure student progress. Today, over half the States have developed those tests. In my State and other States, we measure student progress each and every year. A decade or so ago, we did not have accountability systems in place. We did not have systems in place that said we will hold schools accountable and responsible: for those that meet the grade, there are certain rewards; for those that do not, there are certain consequences. Today, almost half the States in America have adopted accountability systems.

A decade or so ago, if we had taken this legislation up, we would probably have said: The Federal Government should write the standards; we are smart enough in Washington to write the standards and impose those on the States. We have not done that in this legislation. This legislation acknowledges that the States have spent a lot of time, effort, and energy with the input of some of the best and brightest teachers, business leaders, and scientists—working to develop their own academic standards to measure student progress. In this legislation we say to the States: You develop the standards, you determine how quickly you will move over the next 12 years to get up to those standards, but once you have done that, we will hold you responsible for moving all kids up to the standards—kids from the best communities, with the highest per capita income, as well as those from the toughest communities.

A decade or so ago, we might have provided the money and said to our

schools and school districts: By the way, here is the money, and this is exactly how you have to spend it. We don't do that in the context of this legislation. We say: Here is extra money. Roughly half the money we will provide will be provided in ways that give you more flexibility. If it makes more sense to use the for before- or after-school programs, do that. If it makes more sense to use the money to provide full day kindergarten, do that. Or for prekindergarten training, do that. But in the end, however you decide to use the resources, we want and demand results.

Now, let me talk briefly about public school choice and charter schools. In the State of Delaware, as Governor, I signed into law legislation making Delaware the first State to go to statewide public school choice. I will never forget hearing a conversation between school administrators shortly after we signed that legislation into law. One administrator was heard saying: If we do not offer students and parents what they want in our schools, they will go somewhere else. If we don't offer students and parents what they want in our schools, they will go somewhere else. In Delaware, they can do that. They take the money to another school. The money from the State taxpayer follows the students. We have injected competition and market forces into our public schools in ways that might have seemed impossible half a dozen years ago.

The legislation we are debating, and will hopefully pass this week, says there will be consequences flowing from the annual tests given in grades 3 through 8. Among the consequences of a school failing to make progress toward their own standards, at the rate they have said they will make it, is that parents are given an alternative. We will provide assistance to help turn around the school, but public school choice becomes an option for parents after that second year that the school fails to make adequate progress. Transportation money is also provided so that a student can actually go from school A to school B if that is where they want to go. If school B gives a better education, the transportation money to get that child from school A to school B must be provided. Having dealt as Governor with public schools through the turmoil of public school choice and the challenges of its implementation, I know it is not easy. I am grateful to Senators KENNEDY and GREGG for ensuring we provide the necessary resources to help schools and school districts to make that difficult transition to public school choice.

After 4 years, if a school continues to fail students—if it fails to make adequate progress toward their State's standards—not only are parents provided with the option of public school choice, but that school has to be reconstituted. That school has to be closed, it has to be taken over by the State or by a business interest, or that school

has to be turned into a charter school. As a State with a number of charter schools I know that charter schools provide wonderful educational opportunities for children in some of the most disadvantaged communities in America. However, we do not provide much help to charter schools to finance their facilities. We ought to. It is the number one challenge facing charter schools today—preventing new charter schools from opening and preventing successful ones from expanding. With this legislation, we provide some help at the Federal level to assist charter schools in accessing the credit markets and leveraging private capital. We also provide new incentives to encourage States to treat charters like other public schools and provide them with equitable funding for facilities.

Let me conclude with one last thought. One of our sports heroes, especially this time of year as we play football on Sunday, is a fellow no longer with us, Vince Lombardi. He used to say about football: Unless you are keeping score, you are just practicing.

In Delaware and States across America we have begun to keep score. We set the standards. We measure student progress. We are keeping score. We are trying to figure out what works and provide more money for those things that work.

This is a tough-love approach. Sometimes on our side of the aisle we are viewed as just wanting to throw more money at every problem. We are all love. Sometimes those on the other side of the aisle are viewed as just being tough, as not willing to provide the resources that are needed in a loving way.

The beauty of this legislation—and it is not perfect by anyone's judgment—is that it takes the toughness and it mixes it with a measure of love. We commit to investing greater resources on behalf of students in this country and in return we demand improvement. As a result, we emerge as a full partner with the States and the school districts across our country that are doing a whole lot of wonderful things to raise student achievement.

I am convinced that no piece of Federal legislation will solve all of our problems with respect to schools. We are a minority partner with respect to public education. But with this legislation, and hopefully with the funding that will follow this week in the appropriations bill, we will be a more meaningful partner from Washington, DC, from our Nation's Capital, than we have ever been in the past.

For everyone who has worked hard to get us to this day—Sean Barney, a member of my staff, Danica Petroski and Michael Meyers of Senator KENNEDY's staff, Michele Stockwell and Elizabeth Fay of Senator LIEBERMAN's staff and Senator BAYH's staff respectively, and Denzel McGuire and Townsend McNitt of Senator GREGG's staff—my heartfelt thanks for a job very well done on behalf of all of our students.

I yield the floor.

Mr. KENNEDY. Mr. President, I thank the good Senator.

We have a number of other Senators who have indicated their desire to comment on this legislation. We are waiting now for the Senator from Ohio. As soon as he comes, I will yield the floor.

I want to take a moment to reiterate another important provision in this legislation. Achieving our goal of a well-trained teacher in every classroom. That is a critical and important reform. There are other key reforms to which our colleagues have spoken, but I think this is one of the most important commitments in this legislation.

For those who are very interested in this particular subject matter, there is a wonderful document entitled "What Matters Most, Teaching for America's Future," a report of the National Commission on Teaching and America's Future, which I have found to be one of the most helpful and useful documents in terms of understanding what is happening in schools across the country and what is missing.

Let me mention some of the conclusions they have reached in this excellent study. Their conclusions are evident in many communities across the country. I will also indicate what we have tried to do about them.

I read from page 38. I will not ask, obviously, that the RECORD print it. The RECORD will include the parts I read.

Some problems, however, are national in scope and require special attention. There is no coordinated system for helping colleges decide how many teachers in which fields should be prepared, or where they will be needed. Neither is there regular support of the kind [of recruitment] long provided in medicine to recruit teachers for high-need fields and locations.

This legislation responds to that. It recognizes that recruitment is a national problem. The bill greatly expands the support for recruitment in all subject areas, including math and science, and through State-grant programs.

This bill also includes Troops to Teachers, which has been enormously successful in a number of communities across the country. Also, there is support for the Transition to Teaching Program, which is another very successful program.

Another important area:

Turnover in the first few years is particularly high because new teachers are typically given the most challenging teaching assignments and left to sink or swim with little or no support. They are often placed in the most disadvantaged schools, and assigned the most-difficult-to-teach students with the greatest number of class preparations. Many of them are outside their field of expertise with a slew of extracurricular activities with no mentoring or support. There is little wonder that so many give up before they have really learned to teach.

We have included a very effective mentoring program that is responsive to this issue.

This legislation supports teacher mentoring at the local level for all

schools and for schools that have fallen behind. We must fulfill our goal of providing every new teacher with an effective and dependable teacher mentor.

Finally, on professional development:

In addition to the lack of support for beginning teachers, most U.S. school districts invest little in ongoing professional development for experienced teachers, and spend much of these limited resources on unproductive practices. Estimates of professional development support range from one to three percent of the district operating budget even when the costs of staff time are factored in.

We have included provisions in this legislation that ensure that professional development will reconnect teachers to work with their students. It will be linked to concrete tasks of teaching. It will be organized around problem solving. It will be based on scientifically based research and will be sustained over time by ongoing conversations and coaching. All of those recommendations are included in this report.

This legislation requires professional development funding to meet these criteria that I have mentioned. In addition, all title I schools must spend 5 percent of their funds for professional development. Title I schools that are falling behind must reserve 10 percent of funding for professional development.

Hiring well-trained teachers and having such teachers stay in classrooms located in underserved areas is a high priority in this legislation. We have taken the best recommendations we could possibly receive based upon experience and incorporated them into this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the Chamber today, as many of my colleagues have, to speak for this long awaited piece of legislation. I thank Senator GREGG and Senator KENNEDY for the tremendous work they have done in bringing this effort together. There have been a wide range of differing views, clearly because of the differences of philosophy and attitudes about how the Federal Government should engage in the business of education at the primary and secondary levels.

At the same time, clearly the Nation is replete with studies that indicate our children are not achieving at the levels they should and that the commitment is not as much as it could be, even though many States such as mine struggle as much as is possible to commit the public resources to education and at the same time knowing that in many instances it is woefully inadequate.

We finally begin I think to recognize—this legislation reflects it—that simply throwing money at the educational establishment will not solve our educational problems. That has been largely the argument at the Federal level for a good number of years: The only thing public education lacks

is money. We now know that is not the total answer. We needed to cut Federal redtape to implement long overdue reforms.

I think we truly want to see improvements in our educational system. There is no one in this Chamber or across America who doesn't want the goal of greater recruitment, higher quality of education for our young people, and, of course, our young people in the broad sense achieving at higher levels.

This bill, while authorizing a substantial increase in Federal support for education, does not simply continue funding programs which have no track record of success or, even worse, which have a proven record of failure.

We did this in the past. I think the result is evident. We spent more money for little to no improvement in the educational programs to which our young people were being subjected. Of course, the end result was obvious. Our children were not achieving at the levels that I think all of us would have wished compared with other educational programs around the world. We were not measuring up.

The bill on which our conference committee worked so long and hard does not continue the old ways. That is why I am in this Chamber today. I think many of us who were skeptics and concerned, and watched very closely, recognize the work of this legislation has been long overdue in making the changes to the Federal programs and giving the States the flexibility to use the Federal dollars to implement programs and reforms, and, in much of it, it is their own reforms.

For the first time, the Federal Government has made a real commitment to returning power to the States. This bill cuts through the redtape, as I mentioned earlier, allowing States to use Federal money to implement programs that they think are important, instead of programs that the Federal Government or the bureaucrats at the Department of Education think are the higher of the priorities.

We know that in all of our States education varies, it differs, and in many instances it should. While the fundamental learning skills are always critical and uniformity is necessary, clearly, different States wish to attract and offer different approaches. I continually hear from principals, superintendents, and school board members about how their job would be made much easier if the Federal Government would let them do what they know how to do instead of trying to tell them how to do it. We finally paid attention to them. I think we are going to offer them the flexibility for which they have asked. All we ask in return is results. That is a rather simple equation.

This demand for demonstrable results is indeed—and some have charged—a Federal mandate. I have been in this Chamber more than once before speaking against Federal mandates. But this one Federal mandate

replaces numerous other mandates which are eliminated throughout the bill. This mandate is also unlike most of the other Federal mandates that are incorporated in current law today; it is fully funded. In fact, the bill requires full funding for the cost of the tests which will be developed due to its mandates. And if we do not fund those costs, the States do not have to implement the tests. That is a fairly reasonable and appropriate formula. If we do not own up to our promise and our commitment under the law, then the States do not have to follow suit.

I suggest this bill isn't perfect, but then again my guess is most legislation that comes to the floor, depending on one Senator's or the other's point of view, would not meet that test. For example, it does not authorize full funding for the federally mandated Individuals with Disabilities Education Act. It does provide substantial new moneys for the Federal program to meet the commitment, though. I hope next year we will fully reauthorize IDEA and fund it.

That was a program where we promised but we never delivered. As a result of it being a Federal law on the ground that superintendents and principals had to live up to, there was a phenomenal drain of local education money to that program away from other programs and other commitments to education that were made. So, literally, local education funding was providing for a Federal law and a Federal mandate under IDEA.

I am not going to stand here this afternoon and debate the value of IDEA, but certainly the commitment was made to fund it, and we are moving in that direction with substantially more moneys; we ought to continue to do that. What does it do? It frees up local money to go into education where it was intended. I think that is why it is so critically important.

I think this bill provided by the conference committee, however, is a better vision of educational reform than the bill voted out of the Senate in June. I am glad we are finally getting it to the President for his signature.

In the past few weeks, too much important legislation has been held up on the floor for partisan reasons or for somebody thinking they were gaining political points out in the field. Well, they may be gaining, they may be losing, but there is one very real thing about this legislation. If it passes, and if it is signed by the President, America's children win. That is the most important nature of any good education bill.

It has been a top priority of this President, as it has been a top priority of this Senate for a good number of years, to move to improve public education, to participate in it at the Federal level, as limited as it may be, in a way that it enhances the authority at the local level to have greater flexibility in decisionmaking and ultimately, we hope, produce a higher

quality of education for our young people.

I am proud to support the final conference report. I am confident it will make important strides toward what President Bush calls the right vision, and that is that no child should be left behind by America's educational system.

So, once again, I thank the two Senators who, along with others, have worked hard on this and have brought it to the floor for final consideration. I support the education bill's conference report and hope we move quickly on it. It is a good and right approach and a great Christmas present to America's schoolchildren.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

Mr. President, I withhold that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I know Senator DEWINE and Senator ENZI are on their way over to the Chamber. As soon as they arrive, I will yield the floor.

I bring to the attention of the Senate a rather interesting story that recently evolved at the Sterling Middle School in Quincy, MA.

Five years ago, the Sterling Middle School was known as the school where tough kids went. This year, Sterling was recognized by the Massachusetts Department of Education for the improvement they made in the statewide tests. In fact, Sterling has reduced their failure rates every year since 1998. How did they transform this failing school? The school changed the way they scheduled classes, giving teachers more time to teach and students more time to do things, such as experiments in science, problem solving in math classes, and serious writing in English classes.

Teachers got the professional development they needed to make sure that longer classes incorporated techniques that would increase learning. And the school created a council, which gives parents, teachers, and students the ability to decide what textbooks work and how lessons should be structured.

Since 1998, Sterling's eighth grade failure rates have dropped, from 46 percent to 17 percent in math, and from 12 percent to 2 percent in English. This is a school which has turned itself around.

The reforms we have enacted in this bill will give other school districts the chance they need to turn around schools that are failing. With this legislation, we give the teachers more professional development, we give the parents the voice they need to connect with the schools that serve their children, and we give the schools the flexibility to reduce their class size so that teachers can reach every child. So this bipartisan legislation will help more public schools provide the best possible education to every student.

I will mention another factor. The absentee rate at the Sterling Middle School has been reduced by 90 percent, and today it is under 1 percent. They previously had an enormous absentee rate and an incredible dropout rate which has been dramatically reduced.

The Sterling school is low-income, working-class school. Forty-two percent of students in the Sterling Middle School receive free or reduced-price lunches. The district's free and reduced-price lunch rate is 28 percent. Eighty-one percent of Sterling students are white. The percentage of students in the Quincy district who are white is 70 percent. Twenty-five percent of the students are classified as disabled.

Principal Metzler credits the school's outcomes to a commitment to high academic standards for all children, including those with disabilities. The school has instituted a full inclusion program for children with disabilities. There is block scheduling to extend instructional time, and math and reading are integrated throughout the curriculum.

These are the kinds of innovations taking place at the local level that we are giving life to with this legislation and which we believe will be replicated and duplicated across the country. This is an extraordinary example of how things work.

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, one of the very important aspects of this legislation deals with accountability. In addressing accountability, we must address the issue of assessment. A number of our Members have focused on this issue. I want to discuss several points, in the few minutes we have waiting for our colleagues, about why developing high-quality assessments is such an important goal.

Under this bill, States will develop their content standards about what children ought to know in a particular grade. Those standards will shape curriculum. With ensuring that all classrooms have a well-trained teacher, and with quality curriculum, we will be able to assess students to find out what they are learning, and where we need to improve. Schools will identify areas for improving student achievement, and will provide active support and extra assistance to help those children. Such services may be accomplished throughout the school day, or they may take place after school. The school has the flexibility to decide what works in terms of that support.

Several of my colleagues raise questions about assessments, and about the practice of testing. I recognize from

the outset that American children are the most overtested children in the world. However, the problem is that we're not focusing deliberately measuring what we should. And we're not focused on the quality of the measure—too many children are being tested with off-the-shelf tests, and we're running into situations where teachers are teaching to such low-level tests.

This obviously undermines what we are attempting to achieve with this legislation. Our objective is much different in this legislation. We seek to establish high standards. We seek to set in place the reforms that will ensure that all students meet those standards, because we know that they all have the potential to achieve. And we seek to use good assessments as tools, not as reforms in and of themselves, to gauge the success of our progress, and to understand the academic needs of students.

All assessments under this bill must be aligned to State academic standards to help teachers and parents understand how well a child knows a particular subject that is being taught. All of this works together. You have challenging content standards. You have good curriculum. You have high-quality tests. You have the well-trained and highly-qualified teacher—the real professional—working with students to ensure their success. It is all coordinated. Rarely are all of these pieces in place in all of our schools. So often schools with needy children are the places where one or more of these elements are missing. We must change that.

Assessments are important tools in school reform. We need objective information about how children are achieving in order to identify the problem areas and fix them. When your car breaks down, the mechanic runs a test to determine where the problem is. Is it in the carburetor or the exhaust? Is it in the electrical system? Then the mechanic uses the tools specific to the problems to fix it. When you are sick, the doctor performs a series of tests to determine what the illness is that you have. Then the doctor prescribes a remedy specific to the illness.

The academic tests under this bill serve the same purpose. They help the teachers and parents diagnose the problem and apply remedies that will help the child achieve in those areas. The tests are not punitive. They serve as a stethoscope, not a hammer. This bill builds upon current law by requiring States to administer one test each year in the elementary school grades, one test in the middle school grades, one test in the high school grades, until 2005.

Not all States have complied with this requirement. We need to get about the business of doing it, and doing it now. There is no excuse for having poor-quality, sub-par assessment program.

Beginning in the 2005-2006 school year, States will be required to admin-

ister assessments in every grade, 3 through 8, in order to provide accurate information. That gives States 3 years under our bill to develop a high-quality system that is valid, reliable, and aligned to standards. Such a system should ultimately provide accurate information about student achievement from year to year, and should be useful in diagnosing student needs, skills, and knowledge more accurate. All of the tests under this bill must be of high technical quality, and based on nationally recognized professional standards.

However, we know the tests cannot provide a complete picture of how a school is doing. Therefore, we require that the States use the additional resources such as graduation rates and retention rates to determine whether a school is performing well. We have made tests an integral part of the reform, and we provide the resources to help the children do well in them.

We will begin to provide States the resources to develop and implement these assessments in FY 2002, even though the tests themselves will not be required for close to 3 more years. There will be resources available to the States. Help is on the way to meet the challenge of ensuring that all students achieve to high standards.

Seeing the Senator from Ohio, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank the Senator from Massachusetts. I congratulate him and Senator GREGG for their tireless efforts to bring this bill to us. I also, of course, congratulate Congressman BOEHNER as well as the President of the United States for his leadership. This bill has been a long time coming. It has really taken a tremendous amount of work on behalf of all of the leaders in this effort.

Over the last several months, as we have debated the reform of our public schools, I have argued it is necessary that we look at exactly where we are as a society and how this is affecting our public education system. If we don't look at ourselves and how our society reflects itself through education, we will not make any reforms, we will seek no change, and we will fail our children.

As I see it, tragically, our society is becoming more and more divided, divided along economic and educational lines. This division is certainly nothing new. Scholars and sociologists have been warning us for many years that this was where our Nation was headed, particularly if we didn't properly educate our children. Tragically, we have not heeded these warnings.

As a result, our Nation today is a Nation split into two Americas: One where children get educated and one where they do not. This gap in educational knowledge and the gap in economic standing is entrenching thousands upon thousands of children into an underclass and into futures filled with little hope and little opportunity.

This is happening across the country, and certainly it is happening in my home State of Ohio, which in many respects is a microcosm of what is happening all over our Nation.

In Ohio, growing income and educational disparities are creating our very own permanent underclass. Most of Ohio, candidly, is doing better economically and educationally.

The children in these areas have a great future. However, when we look across the entire State, we see two areas where this is not always taking place—areas where the children are not being as well educated as we would like our own children to be educated. And these are also areas where the income level shows that disparity. We see it in Appalachia, we see it in our core cities.

Too many children in Appalachia and too many in our core cities are at risk. In fact, according to the National Center for Education Statistics, in 1999, young adults living in families with incomes in the lowest 20 percent of all family incomes were five times as likely to drop out of high school as their peers from families in the top 20 percent of the income distribution.

Just look at some of the class of 2000 graduation rates of my own home State of Ohio in the urban areas. In Akron, only 72 percent of the State's high school students graduated last year. That is actually a high rate for an urban area. In Toledo, only 67 percent graduated; in Columbus, it was 62 percent; in Youngstown, 59 percent; in Dayton, 57; in Canton, 53 percent; in Cincinnati, 51 percent; and in Cleveland, only 34 percent of the students who started high school actually finished. Yes, that's right, only one-third of the students in Cleveland public schools graduated; two-thirds did not.

I think if you look across the country, you will see these figures replicated in urban areas, no matter what State we are referencing. There is something wrong when that many of our children are simply not graduating. There is also something wrong in this country when nearly one-third of college freshmen must take remedial courses before they can begin regular college-level course work. There is something wrong when only one-third of fourth graders can read. The practical result of this is a society that is growing farther and farther apart, not closer together. So how do we bring society back together? That is our challenge. How do we bring about equality and opportunity so that all children in this Nation have the chance to lead full, meaningful, and productive lives as adults. We do this in the same way that we have always done it, and that is through education.

As Horace Mann, a former president of Antioch College in Yellow Springs, OH, and the man known as "the father of public education," once said:

Education beyond all other devices of human origin, is the great equalizer of the conditions of man—the balance-wheel of the social machinery.

Mr. President, this is exactly what education can and should do. It should provide all children, regardless of their economic circumstances or family backgrounds, with the tools they need to make it as adults in our society—the tools necessary to rise above individual situations of poverty and instability, individual situations of hopelessness and despair. It truly has been, for generation after generation of Americans, their ticket out of poverty, their ticket out and away from despair—their ticket to opportunity.

The education reform conference report we will be voting on tomorrow is certainly a step in the right direction. It is a step toward giving our children the tools they need to move ahead in life. Mr. President, we in this Chamber cannot fix broken homes or solve the issue of poverty overnight, but we can use finite and limited Federal dollars in ways that help close this education gap in America. We can use the finite resources of the Federal Government to help close that education gap and give these children opportunities. I believe the best place to begin on the Federal level is by restoring accountability and achievement with the single most important resource in the classroom, and that, of course, is the teacher.

When I think about teachers, I think about something else that Horace Mann once said. He said that "teaching is the most difficult of all arts and the profoundest of all sciences." I can certainly attest to that. As a college student at Miami University many years ago, I spent 4½ months as a student teacher at Princeton High School north of Cincinnati. It was tough. In many respects, it was the toughest thing I ever did.

Teaching is tough. In fact, that is what I have learned firsthand—that Ohio's and America's teachers simply don't get the respect, the admiration, nor the salaries they deserve. Not surprisingly, the National Center for Education Statistics predicts that within the next decade, we will need to hire 1.7 million to 2.7 million new teachers to replace those who retire or leave the profession.

While this exodus of teachers is certainly a daunting challenge and a very real and pending problem, it is also an enormous opportunity. It is the single greatest opportunity for us as a country, as parents, as community leaders to reshape the next decade of education in the United States. When I think about this opportunity, when I think about how we can shape education to the greatest benefit of our children, I am reminded of something my own high school principal, Mr. John Malone, once told me many years ago. He said that when it comes to education, there are only two things that matter: One, a student who wants to learn; the other is a teacher who can teach. Mr. Malone was right many years ago, and he is still right about that today.

Nothing is more important than that teacher in the classroom. When you get

right down to it, good teachers are second only to good parents in helping children learn. So any effort to restore confidence and improve quality in education must begin with a national recommitment to teaching as a profession.

I believe we are doing just that with our education reform legislation. Through language in the bill which I worked to have included, we can expand, enhance, and encourage support for teachers all across America.

First, we have a provision that would provide support for people in other professions who seek a second career as a teacher. We need to make it easier, not harder, to recruit future teachers from the military, from industry, and from research institutions—people with established careers in real world job experiences who want to go into teaching. We must utilize them and we must make it easy for them to enter the classroom.

My provision would allow the use of Federal funds for alternative teacher certification programs. This will allow States to create and expand different types of alternative certification efforts. It would make it easier for them to enter the teaching profession.

Second, we have a provision giving support for teachers seeking to improve subject matter knowledge or classroom skills. This language helps ensure that our teachers have access to training academies where they can sharpen and improve their skills as teachers. There is such a facility in Cincinnati called the Mayerson Academy. Teachers can go there to learn from seasoned educators, experienced educators who can guide and help them become stronger in the classroom. Plans are already underway for a similar teacher training academy in Dayton, OH. No doubt, this kind of support should be available for teachers in every community in our country.

When we have studied teaching and education, we have found that many times teachers start off and they are put in the classroom; they have just come out of teacher's college and they don't get the mentoring or assistance they need. That is something that will truly make a difference.

Finally, we have a provision for giving support to new teachers from experienced teachers who do, in fact, serve as these mentors. Many of our experienced, most senior, most knowledgeable teachers are about to retire, and it is vital that we don't lose their expertise.

We can utilize their skills through mentoring programs. Our provision would allow the use of Federal funds for new and existing teacher mentoring programs.

All of these provisions we have worked on are included in the final version of this bill.

I also believe we need to prioritize our limited Federal funding to recruit and retain good teachers in our high-need urban and rural school districts.

One way to do that is by recruiting teachers from the military through the Troops to Teachers Program. Last year I worked to save this program, and I fully intend to do the same this year.

Troops to Teachers assists retiring military personnel in gaining the State certification necessary to teach. Furthermore, Troops to Teachers helps broaden the makeup and skills of our current teacher pool. Finally, it brings the best teachers to the schools and the children who need them the most.

This is a program that has been championed by the First Lady. It is a program that has received wide accolades. It is a program that works. We need to not only continue it, we need to expand it.

Because the Federal role in education accounts for only a small percentage of district spending—about 8 percent; that is about all the Federal Government puts into a typical school district—we must be especially prudent and wise in allocating those limited Federal resources. That means we should direct those dollars first and foremost to America's neediest school districts.

In keeping with that notion, I am very pleased that the conference report makes sure a portion of increases in title I funds goes to the target grant formula. I congratulate the conferees for doing this work. This formula would funnel Federal funding directly to school districts in the highest poverty areas of the country. Again, I thank Senator KENNEDY and Senator GREGG for this work.

The target grant formula recognizes the disparity between public education in affluent and poorer school districts and that there was a unique set of challenges associated with educating impoverished children. However, since the formula's creation in 1994, not a single Federal dollar has been appropriated to fund this grant program; that is, until now.

In the floor debate on the Labor-HHS appropriations bill, I supported Senator GREGG's amendment to provide \$1 billion for the target grants. This will fundamentally reform our education system, and it is about time. By funding the target grants, we are finally focusing on those children most truly in need.

While I strongly believe the teacher is the most important resource in the classroom and that it is necessary to target funds to those districts most in need, there are other issues in education we need to address, such as the problems of drugs and violence in our schools. My colleague, Senator CHRIS DODD from Connecticut, and I have improved the Safe and Drug-Free Schools Program. We worked on this for well over a year. This bill authorizes \$650 million for the State grant program and additional funds for the national program. This vital program provides funds to over 97 percent of school districts nationwide to keep our schools safe and drug free.

This bill incorporates the reforms on which Senator DODD and I have worked. This bill will make a difference in this area.

We need this program because a child threatened by drugs and violence is not able to learn, and a teacher afraid to stand in front of a classroom is certainly unable to teach, and that is a situation we should never, ever have in our schools.

I believe it is clear that the Government can make a difference in restoring quality and equality to education. On the Federal level and on the State level, the Government can help target programs to those children in those districts most in need. However, the whole realm of education is so big and so vital and so all-encompassing that it is something we cannot leave to the Government alone to fix. Everyone knows that.

Parents, families, and communities must take an active role in reforming our schools and helping our best teachers stay in our children's classrooms. Parents must go into their children's schools and help the teachers teach, volunteer to read to the classes, or help teach math, science, history, or literature. Society must help provide opportunities for families in need, help teach them, help them learn how to help their own children succeed in school.

Ultimately, education reform is a journey toward the horizon, not a destination but a never-ending, forward-leading journey toward the future. So as we move toward that horizon, as we move ahead for the sake of our children, we need to get back to basics: Good teachers, Safe and Drug-Free Schools, and parental and community involvement in the schools.

I am confident we will go forward in the days ahead to give the children the tools they need for a bright and promising future.

We will go forth to restore quality and community in our system of education.

We will go forth and establish a new way of thinking—a way of thinking that challenges and changes the current culture of education in America.

We will go forth and restore education's ability to "equalize," as Horace Mann suggested.

We cannot rest—we must not rest—until every child in this country has teachers who are qualified to teach and schools that are safe, drug-free learning environments. Our children's future and the future of America hang in the balance.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Ohio for his comments both on education and Haiti. I think he is modest in character when he is talking about Haiti. He mentioned he is going there next month. He did not mention all of the years he and his family have been going there, and not just going there on vacation but going

there to work with the poor. As those of us who have traveled to some other countries know, it is a different level of poor. It actually deserves and needs another word because it is so far below the poor we recognize that it kind of defies imagination unless a person has been there.

I appreciate the effort that his family makes each and every year to go to Haiti and consequently to understand that Government a little bit better. It does tie in with education because as of September 11 our world got smaller. The United States and the students in the United States did not have the tendency to notice what was going on in the other countries as much as they do now, and that is a stronger part of the education now and a more understandable part by the kids in the United States.

Mr. DEWINE. I thank the Senator for his very generous comments.

Mr. ENZI. Mr. President, my main purpose today is to address the education bill, which conference report we are looking at now. I am a member of that conference committee which spent nearly 6 months considering this bill, and I am especially pleased to be talking about this landmark legislation.

As many of my colleagues have and will mention, this bill provides the most comprehensive education reform since 1965. The Senate and the conference committee went into this to a different level than we have done for years, and I am happy to report it lives up to its name by achieving the simple yet powerful goal of ensuring that no child is left behind, a request we had from the President.

I give particular thanks and congratulations to the Senator from New Hampshire, Mr. GREGG, who played a very forceful role in each step of the process with this bill and was a significant contributor to the negotiations, someone who directed the negotiations, was in the negotiations, and came up with some unique compromises that made this bill possible.

Senator GREGG is a person who is intensely interested in education. Part of that is from his tour as Governor of New Hampshire, which has carried over into his Senate work. He is truly a person in education that has a very strong focus and a vision for what needs to be done.

I also, of course, congratulate and thank Senator KENNEDY for his intense effort on this bill and willingness to come up with a solution for America. Senator COLLINS of Maine needs to be mentioned particularly for her efforts and particularly her wordsmanship that resulted in some of the compromises, particularly that helped on a couple of our controversial rural issues.

Senator HUTCHINSON of Arkansas spent a lot of hours and, of course, Senator SESSIONS of Alabama, with his intense interest in children with disabilities, and the vast number of school visits he has made to schools in Alabama over the last couple of years has



brought some insight into the classroom that has been very helpful. There are a number of us who try to get into the classrooms when we go back home on a regular basis and see what the problems are and the successes to see if we cannot overcome the problems and share the successes.

Does this bill contain everything? No. But it does contain the 80 percent we all agree on, and that is since September 11 the new way we have of doing business.

We are going ahead with issues on a much faster and more dramatic scale than has happened in decades probably. We have had to do bills from scratch in less than a week. The normal process is to spend 2 or 3 years working different versions of a bill, having hearings, working compromises between Members, eventually getting it to a hearing in committee and then markup in committee, which is where the amendments are made, and then bringing it to the floor for debate.

Our form of government is designed to have a very lengthy process, and it works. It has worked for centuries now, longer than any other existing government. But on September 11, we had to change our operation. We had to take care of some problems on a shorter term basis than we have ever had to handle before, and we did it. We were putting out about a bill a week on topics that had not been debated extensively in committee or on the floor.

Are they perfect? No. Legislation seldom is. Do they do the job? Yes. Will they be revisited? Yes.

Education is not one of those emergency terrorism bills. It is a bill that has been worked on continually by Congress. We even held the debate before September 11. We were involved in conference committee before September 11. However, the bill before the Senate contains the 80 percent on which we all agree. The other 20 percent we will continue to hash out over the months and years to come.

We have completed the bill and done it successfully. The conference report reflects an agenda President Bush made clear during his first days in office when he invited lawmakers to his ranch in Crawford to discuss his No. 1 domestic priority, education reform. It emphasizes accountability, flexibility, and local control, funding for programs that work, and expanding parental control. It has student access to technology, it has high-quality teachers, and safe learning environments as a priority.

In addition, this legislation fulfills an important commitment to States such as Wyoming that are already heavily investing in improving student achievement by allowing them the flexibility they need to continue to innovate.

I ask unanimous consent to have printed in the RECORD a letter from the Governors of a number of States. Additional Governors, of course, will join, but this includes Connecticut, Georgia,

Arizona, Arkansas, Colorado, Florida, Illinois, Kansas, Louisiana, Massachusetts, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Virginia, Wisconsin, and last, but only by virtue of the alphabet, Wyoming.

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

DECEMBER 10, 2001.

DEAR MEMBERS OF CONGRESS: We are writing to support H.R. 1, the education reform legislation that embodies the education goals of both President Bush and the Congress. As Governors, we have served on the front line in promoting educational improvement in our own states. We believe strongly that H.R. 1 will help significantly in furthering this worthy cause throughout the country.

First, we appreciate the increased resources for education authorized in the legislation. The bill will provide federal funding for key priorities such as Title I grants for disadvantaged students, Title II grants for teacher professional development and training, and Reading First funds for states to implement comprehensive reading programs in the early grades. And it appears as if funding for elementary and secondary education will increase by more than 20 percent this year.

Second, we are pleased that H.R. 1 grants states and local districts unprecedented flexibility and freedom in deciding how federal education funds should be used to meet the unique needs of their students. In the key titles relating to teachers, technology, and bilingual education, authority over spending will pass rather dramatically from the federal government to states and local districts. Further, states and local districts will be given far greater authority to move funds from certain uses to other uses they deem to be more effective at achieving improvement in student results.

Finally, as supporters of accountability in education, we favor the accountability features of H.R. 1. We know that when adults are held responsible for student progress, that progress tends to be greatest. H.R. 1 establishes a comprehensive accountability system, and, wisely, it does so in cooperation with the states. States will set their own standards. States will select their own assessments. States will have a great deal of flexibility in establishing the details of how and when the elements of accountability will be implemented for their own schools. And, where the federal legislation calls for specific steps to be taken, such as annual testing, federal funds will be made available to pay for them.

President Bush has challenged the nation to leave no child behind. The Congress has responded with H.R. 1, which is grounded in the best practices derived from the states over the past decade. States have modeled reforms, which have in turn become the basis for this landmark legislation. The Congress should complete action on H.R. 1 immediately so that every state, district and school can begin 2002 with a clear and bright beacon shining on their path to improved student achievement.

Sincerely,

Gov. John G. Rowland, Connecticut; Gov. Roy Barnes, Georgia; Gov. Jane Dee Hull, Arizona; Gov. Mike Huckabee, Arkansas; Gov. Bill Owens, Colorado; Gov. Jeb Bush, Florida; Gov. George Ryan, Illinois; Gov. Bill Graves, Kansas; Gov. Mike Foster, Louisiana; Gov. Jane Swift, Massachusetts; Gov. Kenny Guinn, Nevada; Gov. Don

DiFrancesco, New Jersey; Gov. Gary Johnson, New Mexico; Gov. George Pataki, New York; Gov. John Hoeven, North Dakota; Gov. Frank Keating, Oklahoma; Gov. Mark Schweiker, Pennsylvania; Gov. Lincoln Almond, Rhode Island; Gov. William J. Janklow, South Dakota; Gov. Don Sundquist, Tennessee; Gov. Jim S. Gilmore III, Virginia; Gov. Scott McCallum, Wisconsin; Gov. Jim Geringer, Wyoming.

Mr. ENZI. These are States that see the special emphasis in the bill and want to add their congratulations and hope for approval of the conference report. We are always encouraged that those who have that direct of a hand in education are showing support for work we have done.

H.R. 1 strikes a good balance between making sure that Federal funds are well spent and maintaining appropriate State and local control of education. It significantly changes accountability standards with the goal of assuring that low-income and minority students, as well as other students, are learning. Yet it also prohibits national testing or Federal control over curriculum. While States will be required to administer the National Assessment of Educational Progress, known by the acronym NAEP, every other year in grades 4 and 8, there will be no rewards or sanctions associated with the results. The use of NAEP will simply be a tool for parents to evaluate the performance of their child's school against others in the Nation.

Of course, we will also provide accountability for NAEP and we will watch to see if they can get the results out faster than in previous experience—as when I was in the Wyoming Legislature. It will give a measure, a comparison, for parents to rely on and to give them some direction with what their children are learning compared to the rest of the Nation.

Some of the most important provisions in this bill concern our Nation's teachers. As we know, one of the greatest educational resources is our teachers. I say this not only because my daughter is a teacher but because research has found, with the exception of involved parents, no other factor affects a child's academic achievement more than having knowledgeable, skillful teachers. Every member knows that. Every Member knows teachers who have had a tremendous influence on lives, ones who challenged us or encouraged us or disciplined us.

Right now, there are Hallmark ads on behalf of teachers, in a very special way conveying a message of thanks, something we need to do to teachers in the past who have influenced our lives and made a difference. By the time we are in the Senate, a lot of the teachers are to longer around to be able to get that thanks. It is an opportunity we should not pass up.

There is a Hallmark ad I particularly like where the teacher is retiring, packing up his books. A lady comes to visit, a former student. She is surprised that he does recognize her and even remembers a paper she wrote. He says: I



suppose you went on to be one of those corporate, well-paid lawyers. She says: No, I became a teacher, like you.

We need to be thankful we have people who are willing to teach children, educate children, and spend the time with kids, to know them well enough, to help them understand what learning is. We have those kinds of dedicated teachers in the United States. This bill will help to ensure there continue to be those kinds of teachers.

There were several places where contentious negotiations took place during the deliberations on this conference report, but one area that was not negotiable was ensuring our children have high-quality teachers, especially when it comes to reading and math. H.R. 1 contains unprecedented reforms that will help to ensure that all children are taught by a highly qualified teacher.

Unlike more restrictive proposals that require States and local school districts to use Federal funds exclusively for the purpose of hiring new teachers, this legislation provides maximum flexibility to States. It will allow them to develop high-quality professional development programs, provide incentives to retain quality teachers, fund innovative teacher programs such as teacher testing, merit-based teacher performance systems, alternate routes of certification, or to hire additional teachers, if that is what they believe is necessary.

Despite all of these efforts to improve teacher quality, there are some who say all we really need to do to improve student achievement is to hire more teachers. For small, rural States such as Wyoming, that is not the answer. While I certainly recognize our Nation is facing a teacher shortage in the coming years, Wyoming currently has a declining student enrollment, which is forcing some school districts to eliminate teaching positions. Monies specifically earmarked for hiring new teachers will be of little help to schools in these areas with declining enrollment.

In addition, rural States such as Wyoming often have difficulty recruiting and retaining teachers—especially highly qualified teachers. We do have quite a bit of success, once we get them to come to Wyoming, at retaining them. Of course, we recognize anybody who can make a living in Wyoming usually lives in Wyoming. We do appreciate those teachers who come and stay.

In this bill, money earmarked for new teachers does not help Wyoming keep teachers from leaving. Congress must provide State and local school districts with flexibility to pay good teachers more money or provide other incentives in order to encourage them to continue teaching.

It is because of issues such as these that I am particularly pleased this legislation paid special thanks to rural school districts. H.R. 1 provides rural districts with increased flexibility in funding to enhance academic achieve-

ment while helping to ensure that students in rural areas have equal access to educational opportunities. As many folks from Wyoming are aware, rural schools often receive too little money from Federal categorical formula grants to provide meaningful services to their students. By the time the formula is broken down for the size of the school, there is not enough money to do the program.

In addition, they generally do not have personnel or resources necessary to secure Federal competitive grants which many schools use to augment and innovate beyond what is provided for in formula grant programs. The Rural Education Achievement Program, also known in this bill as rural flex, is included and addresses these problems by permitting rural schools to combine funding from a number of different formula grants. This allows rural schools to better serve their students by allowing them flexibility to determine where their money can do the most good.

Eligible school districts can use funds for virtually any activity authorized under the Elementary and Secondary Education Act, including educational technology, professional development, technical assistance, and teacher recruitment and retention.

The conference report also makes it clear that rural districts often face unique challenges in implementing restructuring actions that result from 5 consecutive years of failure, and they should be given flexibility as long they are held to the same accountability requirements as other districts.

Distance does create challenges. In Wyoming, we have miles and miles of miles and miles. We have a population of 493,000 people, and our State has 400 miles on a side. The average town that I visit is about 250 people. It is a long way between those towns. For virtually every town, you can drive outside of it and you see the whole town at once. It is not one running into another, running into another, running into another. Even Cheyenne, WY, our largest city of a little over 52,000, can be seen in its entirety by driving outside the town and looking back at it, and it is a long way to be able to see the next town. In fact, usually you cannot see a next town.

What happens if you give people flexibility with schools, if they can go to the public school of their choice but is too far to go to another school? We already have public choice in public schools.

Usually our schools are not failing, so this provision would not pertain to those schools anyway. But this bill will allow those rural schools that have failed to make progress but may not have the resources necessary to hire a completely new staff of teachers or find a private contractor willing to take over the school's governance, to take advantage of additional options as long as they are equally rigorous and are likely to help the school improve its performance.

Under the same provision, the Secretary of Education will be required to assist rural districts that request assistance in implementing alternative governance arrangements.

I thank Senators COLLINS, MURRAY, and BINGAMAN for their hard work on this particular language. I am also pleased the conferees were willing to recognize that schools in rural areas and small towns often require additional assistance to implement an advanced technology curriculum. Due to the isolated nature of many small rural towns, technology can offer rural students academic opportunities that they otherwise would not have. Ensuring that rural students are technologically literate is vitally important to many communities in my State of Wyoming. I am pleased the conferees have demonstrated their commitment to improve academic performance in rural areas and have helped rural students participate in the highly competitive economy of the 21st century.

Wyoming has been a pioneer in distance learning. We now have the capability, in many schools—no matter how small or how rural—to have classes the kids can take through a distance learning program to give them a wider variety of choice of classes. This bill will help to enhance that.

This bill also preserves the integrity of Federal educational programs that impact Native American children. As a Senator from the State of Wyoming, which was the crossroads for many of the Indian tribes and is now the home of the Shoshone and the Arapahos, I believe it is critically important that the United States continue to fulfill the Federal Government's unique and continuing trust relationship with, and responsibility to, American Indian people for the education of Indian children.

I am confident that the action of this conference committee has helped to ensure the programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs but also the unique educational and culturally related academic needs of these children.

I am also pleased we were able to make improvements in the Impact Aid Program. That affects many areas of our Nation that have military bases, Indian reservations, or other Federal property districts that limit the ability to generate funds to pay for education. Then the Federal Government steps in to provide for that revenue that was lost by having that Federal facility.

I am pleased we were able to come up with a compromise that allows districts and schools that are most heavily impacted to be served first through the competitive construction grants that are authorized by this bill. It is my hope the changes made by this conference committee will emphasize the importance of making Impact Aid construction grants on the basis of greatest need and maximized effort so we

can continue to fulfill the Federal Government's obligation to impact districts and the children who reside there.

As a strong supporter of the Boy Scouts of America and an Eagle Scout, I am glad to report that the H.R. 1 conference report includes a provision that would deny funding to any public school or educational agency that discriminates against or denies equal access to any group affiliated with the Boy Scouts.

Our children are our most valuable resource and we must prepare them to face the challenges of the 21st century. We cannot do this by allowing Washington politicians to implement a one-size-fits-all approach to education. The No Child Left Behind Act allows States to decide how to best serve their students and teachers. I strongly support this conference report. I encourage my colleagues to do the same.

I thank the President for his leadership on this historic legislation. If it were not for his determination to craft bipartisan reform of our Nation's educational system, we would not have this bill before us today. I also thank Senator GREGG and Senator KENNEDY for their tireless efforts to craft the compromises that made this bill possible and brought it to us at this time. They and their hard-working staffs deserve a great deal of credit for this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to take just a moment because I see my friend and our committee member, Senator REED, in the Chamber. I also thank Senator ENZI for his work and his support on this legislation.

We have some important protections of rural education in here. I took a few moments earlier today in a presentation to show that we have about a 30-percent increase—for example, in Detroit, MI, in terms of the urban areas, but we have a similar increase in the poorest rural areas of this country as well. He has fought, not only on that issue, but also for flexibility in rural areas.

He was very much involved in the Indian education programs and has been, as we all know, and is involved in education technology issues. I thank him.

This legislation incorporates a number of recommendations that Members have made. Senator ENZI has been very constructive and helpful. I enjoy working with him on this, as I always do when we work on OSHA. I always enjoy working with him on OSHA.

I was not in the Chamber when Senator DEWINE spoke. As has been referenced earlier, Senator DEWINE and Senator DODD restructured the whole Safe and Drug Free School provision. It is better in this legislation. It is enormously important. All of us have seen in very recent days the rather dramatic increase in substances that have been coming into the United States, principally, I believe, because our

Coast Guard has been involved in other kinds of activities. This has been true in the Northeast, I learned from talking to various law enforcement officials. They are overstretched and overworked. The total membership of the Coast Guard is just what it was in the 1960s, and we have given them many more responsibilities. But the Safe and Drug Free School provision has been enormously important, particularly in dealing with violence in schools.

So I thank Senator DEWINE for his work. He has also been very much involved in Troops to Teachers. I see the chairman of the Armed Services Committee. He knows about this, is familiar with this program, and has supported it. Senator DEWINE has been very much involved, particularly in the areas of science and math, where retired officers have gone back into education. It has made an enormous difference. I thank him for his work.

I see my good friend, Senator REED. I want to tell America, if you see a library being modernized in your school district, there is the man right over there who was able to do it. We were in an incredible situation with regard to expanded reading. This is one of the principal recommendations of the President. It is very worthwhile. Also the early education reading. There was strong support for that and a budget allotment for it, but not for libraries. Our good friend, Senator REED, had brought up the problems that school libraries have been facing.

Also the parent involvement, I mentioned earlier this afternoon the role of parent involvement. Tough accountability for students, tough accountability for schools, and real responsibility for parents.

There are two areas where we are going to need responsibility in this institution and in the States. We have to get the resources. Senator REED has been the most actively involved in making sure we are going to have school libraries, parental involvement provisions, and highly professional development for teachers.

I thank Senator JACK REED for all of his good work. He comes from Rhode Island, which has a long tradition of educators, with Claiborne Pell, former chairman of our committee and the author of the Pell grants and many other important educational programs as well. There is something in the air in Rhode Island; all of their Senators are strongly committed to good education for children. We are fortunate to have him as a member of the committee.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Rhode Island.

Mr. REED. Mr. President, I thank Senator KENNEDY for those very kind and gracious words.

Today represents the culmination of a very long process to reauthorize the Elementary and Secondary Education Act. It has been difficult and daunting, and at times very frustrating. We are here today because of the work of many people. But singular among those

people is the senior Senator from Massachusetts, the chairman of the committee, Mr. KENNEDY. His determination, his creativity, his persistence, his unwillingness to accept anything less than a bill that would materially aid children of America in their education is today manifest on the floor of the Senate. We owe him a great debt of thanks and great praise.

Of course, he was part of the process with our other colleagues, Senator GREGG, the ranking member, and, in the other body, Congressman BOEHNER and Congressman MILLER, with whom I had the privilege of serving on the Education Committee when I was in the other body.

A great deal of the tone, texture, and change in spirit was the result of President Bush's commitment to work for education, and doing so in a bipartisan way.

Today we see the culmination of that long and at times trying process. Today we have legislation which represents, I believe, an advance in giving every child an opportunity to learn and an opportunity to be educated in this country, which is the greatest opportunity one can ever have.

We are building on previous efforts. As a younger Member of the other body, I served on the conference committee for the Goals 2000 Act and the 1994 reauthorization of the Elementary and Secondary Education Act. It was there that we talked about tougher accountability and stronger insistence that the States step in when schools are failing. We insisted upon higher standards. We met resistance, but we insisted. We did not go as far then as I believe we could have gone, or should have gone. But today I believe there is vindication of those efforts almost 8 years ago when we talked about insisting that schools be held accountable and that real money flow to schools so that children can learn. We have taken steps in the intervening years as a result of Goals 2000 and the 1994 reauthorization.

In every State in the country, there has been some effort. In my State of Rhode Island, there has been a great deal of effort, and I commend my local leaders for what they have done to move education forward.

As we approached this reauthorization, there were several important goals that I believed we must achieve.

First, we should strengthen and build upon the accountability system that was developed in the 1994 reauthorization.

Then we should ensure that the President's proposals for testing in grades 3 through 8 have appropriate guidelines and not unduly harm students or the educational initiatives that are already underway in many States, including in my home State of Rhode Island; that we should also offer increased flexibility; and that we should insist upon high standards but give the States and the communities the ability to reach those standards

through means that they could choose locally.

Then, finally—and I believe most importantly—we had to give the States the resources to make the changes that were urged upon them. We had to give them the resources to meet those standards.

These are the parameters I used to judge the legislation that is before us. I believe we have in a very meaningful way met those expectations.

Having erected a structure of accountability, having sensitized the schools of this country to be more sensitive to performance and to better teaching and to parental involvement, the test now is making sure that the States, the cities, and the towns in America have the resources to do the job. That is the test we will be taking in the years ahead.

As Senator KENNEDY stated, there were some particular issues in which I was interested. I am pleased to say we have made progress on those issues.

In the area of school libraries, I have long been a firm believer that good school libraries mean good education. Study after study has concluded that if there are good school libraries in school systems, those schools will succeed. In fact, there have been studies in diverse communities, such as in Colorado, Pennsylvania, and Alaska, which indicate that a good school library means better performance, regardless of geographic area and regardless of income. It is just one of those obvious points to which people will agree. But the real challenge is to go beyond the nodding of the head in agreement to the funding and support for school libraries.

Interestingly enough, Dr. Susan Neuman, the Assistant Secretary for Elementary and Secondary Education in the Bush administration, is one of the experts in this regard. She found through her research that limited access to books leads to poor academic achievement. Unfortunately, if you look at school libraries, particularly in poor communities in this country, they are starved for resources, for space, and for trained librarians and library assistants. As a result, it is no wonder that this is another burden on the education of children, particularly children from disadvantaged areas.

I was mystified when I arrived in the other body in 1991 that the Republicans eliminated direct support of libraries back in 1981 as part of the Reagan revolution. In 1994, working with Senator KENNEDY, Senator BINGAMAN, and Senator Pell, my distinguished predecessor, we were able to reestablish a school library program. Another of the great heroes of that effort was Senator Paul Simon of Illinois.

Sadly, within months of completing the reauthorization in 1994, the new Republican Congress eliminated the library program as an authorized program under the Elementary and Secondary Education Act.

This year, however, with President Bush's emphasis on increasing reading

skills and literacy, and developing teachers who are adept at teaching reading, there was another opportunity to push forward on the issue of school libraries. The President's initiative seeks to increase professional development for teachers to improve reading instruction. However, it makes little sense to me to have better reading teachers and children eager to learn to read but libraries that are deplorably inadequate.

I have been sent materials from time to time by librarians from across the country. A librarian from Arizona sent me a book about the U.S. Constitution which I thought was interesting, particularly when I noted that the foreword was written by the distinguished President, Calvin Coolidge. It was still on the shelves of this library several years ago. I believe when President Coolidge wrote his foreword there were several amendments to the Constitution that had not yet been adopted.

That is just one example of books that are terribly out of date. Some of them are terribly offensive with respect to stereotypes of today, and which we would abhor, but are still on the shelves of many school libraries.

If we are going to train teachers to be better reading instructors, if we are going to embrace the eager young children and challenge them to read, we have to give them the materials to read.

I was extremely pleased, particularly when this legislation came to the floor and Senator COLLINS, Senator SNOWE, Senator CHAFEE, and others joined me in passing an amendment that would authorize \$500 million to support school libraries. It was a 69-to-30 vote—a clear indication that this Senate on a bipartisan basis was standing strongly behind school libraries and school librarians.

We took this issue to the conference, and we were successful in the conference. We now have legislation in this report that once again supports school libraries. But the challenge remains to translate these very noble words into real dollars in the next budget cycle.

With respect to parental involvement, Senator KENNEDY also indicated that this legislation strongly reflects an emphasis on parental involvement.

Once again, parental involvement is not something that is just nice to do, something that is good socially; it is the heart of a good educational system in this country and any place in the world.

Research has indicated that if you have strong parental involvement, you will have better performance from students. Students need to know that their parents care about education. They need to know that their parents care about what they are doing and learning.

In 1999, I introduced the PARENT Act, legislation which I developed in conjunction with the National PTA to implement effective ways to include

parents in the lives of schools. Some would say: Why do we need to do that? We need to do that because today there are parents who—simply because of time constraints, because both spouses are working, because they have children in three different elementary schools—do not have the same kind of opportunities, if you will, to be part of the life of their school as, perhaps, our parents did. So we have to develop new and different techniques to reach out and involve these parents.

Then we have parents who themselves have been very unfulfilled by the educational process. Their educational experience was deplorable or something they do not want to recall. Those parents find it difficult, in many cases, to be effective teachers of their children because of the apprehension, if you will, about school. We have to reach those parents.

In the past, we have tried to do this, particularly through the title I program. A 2001 study by several academics looked at the title I program. They found that title I schools have always talked about parental involvement. There has been a model to bring parents in as collaborators.

In the past, in our reauthorizations, we have tried to stress parental involvement. In 1983, we said you have to have an annual meeting in a title I school with the parents. In 1988, we talked about involving parents in planning and providing more information to parents. In 1994, we said districts have to spend at least 1 percent of title I moneys on parental involvement. That is all well and good, very noble words. But, once again, there was very limited accountability, very limited oversight.

As a result, there has been very limited participation by parents, particularly in those difficult areas where disadvantaged students and disadvantaged parents are likely to be.

So it is no surprise that when the PTA surveyed the parents of America, fully 50 percent said they were inadequately informed about what is going on in the school. They felt they could not participate in their school. They felt the school was not user friendly to them, the parents.

So working with the PTA, and others, we tried to craft legislation that would, once again, in a meaningful way, attempt to involve parents in every school in America by adding accountability to title I; not just a list of things you have to do, but an insistence that these things be done: Provide parental access to information about their children's education, make sure there is an active and effective and ongoing collaboration with schools, require states to disseminate to every school research-based practices that work to actually involve parents.

We also, when we looked at some of the other programs—such as the Safe and Drug Free Schools Program, the technology program, and the teacher quality program—insisted there be an

aspect of parental involvement with the idea that parents just don't show up one night a semester for parent-teacher conferences, but they are active in planning many aspects of the life of the school. This legislation, I am pleased to say, was significantly incorporated in this conference report. I believe it represents a significant advance providing not just a list of nice things to do, but real accountability so these aspects of the parental involvement will, in fact, be done.

There is another important aspect of this legislation in which I was keenly interested, and that is professional development. We all recognize and we all stand up and say, sincerely and emphatically: Every child deserves a highly skilled, highly motivated teacher. But we have to go beyond the words. We have to make that a fact of life. And it is not a fact of life at so many schools.

In the reauthorization of the Higher Education Act, just in 1998, I worked closely with my colleagues and incorporated aspects of legislation I had previously introduced called the TEACH Act, which established grants to foster partnerships between teaching colleges and actual schools in communities.

One of the defects of teacher preparation is the fact that sometimes it is totally disconnected from the real life of the teacher, that the clinical aspect or the practice aspect is just a few weeks in a 4-year curriculum. The TEACH Act is now part of the Higher Education Act. It establishes a relationship between teacher colleges and elementary and secondary schools which, I believe, will provide more realistic preparation for teachers.

But we have to pay attention not only to the new teachers who are entering our schools, but we have to pay attention to all teachers. That means good, solid professional development for the incumbent teachers, for those who are teaching today in the classrooms of America. That is why I introduced legislation, the Professional Development Reform Act, which I am pleased to say is incorporated in many parts of this legislation.

There is a broad consensus that good professional development has to involve sustained intensive activities that focus on deepening teachers' knowledge of content, that allow teachers to work collaboratively, that provide opportunities for teachers to practice and reflect upon their teaching, that are aligned closely to these new standards, and that all of it is embedded in the daily life and work of the teachers.

We all recall some experiences we have had. I recall that once every year there was a teachers institute. We thought it was terrific. We got the day off. I did not know what the teachers did there, but I found out later. In most cases, they went to a big hall. They listened to a lecturer talk about something that may or may not be interesting to them. They socialized and

then went home. That, for many school systems, was professional development. It was clearly inadequate.

Professional development has to be based upon content, what that teacher is purporting to teach: Math, science, history, and English. They have to know what they are teaching. Sadly, there are lots of teachers who do not know that. And we do not force them, through professional development, to master those details.

Then they have to have the opportunity to collaborate. One of the great problems of elementary and secondary education is the fact that so many teachers walk in in the morning, they have a cup of coffee, say hello to the rest of the teachers, and that is the last time they have a conversation with an adult for the rest of the day. At 3:30, they get in the car and go on with the rest of their life.

We have to build into our educational system the opportunity for teachers to talk about the craft, the art of teaching. We have to, of course, make all of this correlated with and focused on the high standards that we insist that our children meet. This is a daunting task.

This legislation reflects, in many respects, an emphasis toward moving toward those very challenging aspects of professional development. I would like to have gone further, but we have gone at least, I believe, in the right direction.

There are examples of very effective professional development around the country. I have visited Community School District 2 in New York City. It is in Manhattan. It is a school district that is committed to professional development. They do exactly what all of the experts say. They provide, for example, young teachers the ability to observe exemplary senior teachers. They have senior teachers working one on one with other teachers. They have peer networks where teachers can get together and talk with their peers about the educational process.

All of this is exciting. It makes teaching something more than a dull exercise of showing up, reciting something to students who are not particularly interested, and then walking out. Too often—in fact, I would argue if it happens anywhere, it is too often—that is the experience.

Let me mention one other aside about this notion of collaborative effort. One of the interesting things that happened in Rhode Island—we were lucky because we have a State that is committed to educational progress—is that one of our foundations, the Rhode Island Foundation, actually gave laptop computers to a significant portion of our teachers in the State.

You can do that when you have a population of a million people. And the teachers used them, not just to do lesson plans but actually to interact and collaborate with other teachers on challenging questions such as what to do with a child who continually refuses to be quiet and sit down. These are not

things you learn in a lecture on the cognitive processes of schoolchildren but something you need to know to be a good teacher. They found it out by simply getting advice from seasoned teachers. That is what we have to do. This legislation moves in that direction.

There is another aspect, too, that I have been very interested in, and I believe it is key to our educational progress. That is to recognize that the school is one of the few places in our society where children are there for an extended period of time. There is a requirement that they go. But in effect, schools can't succeed as islands isolated from the other institutions of life.

We talked about parental involvement. That is the first and most important aspect of education, the parent as teacher. But many children have problems with health care. Many children have mental health issues. Many children have problems because of the social problems of the family. If the schools ignore those problems, those children will invariably fail. They have to be cognizant of all the issues that influence a child.

I think it is important to recognize in the school and even have an organization in the school that can access multiple services for children. We could have a great nursing program. We could have great mathematical instructions. We could beef up our science laboratories. But if a young child does not have a place to live, or comes in on a cold day without a coat and goes home without a coat, chances are we are not going to be able to challenge that child to do their best work. We have to recognize that.

In fact, as important—and it is very important—as this legislation is, we have many other things to do to ensure that every child learns, that no child is left behind. We can start with housing, health care, a long list. We are making progress today, but we would be deluding ourselves to think we have solved the problems of children in America by simply reforming education.

It is important in the context of education to have these institutions and organizations. In Rhode Island, they are called COZs, child opportunity zones. Within the school there is a trained person who can link up a child and the family to social services, childcare, housing programs, all those things that are going to make a difference in the life of that child, so when they come to school they will be, as we have said for decades, ready to learn. I hope, indeed, that some of the efforts we have made in this bill will advance that very important principle.

As we began this debate about the Elementary and Secondary Education Act, as we moved through the Senate, several very important issues became obvious. First, to the extent we quite properly insisted upon accountability, we had to recognize that we must design an accountability system that is

fair and flexible. We could have designed a system in which every child in America passed. That would be a waste of time, a waste of money. We could have designed a testing system where everyone failed. That would be counterintuitive and foolish. So over the last several months we have been working to try to reach a point where there was enough flexibility in the States that they could, in fact, achieve progress. I believe in the process of debate and discussion, again with the tremendous leadership of Senator KENNEDY, we have made progress.

We have a system now that recognizes standards, standards that have integrity, standards that are checked ultimately by a national test, but also that allow the States the flexibility so their good schools will continue to be recognized as good, and schools that are not meeting that standard have an incentive and a direction to move forward. We have made that progress.

In so many cases, what we are doing is complementing the efforts that have been accomplished in local communities. In my State of Rhode Island, we have had tremendous efforts to reform our schools. In 1997, my legislature passed article 31 which mandates an extensive series of evaluations, of school improvement teams, and ultimately, if schools fail, giving the State not only the authority but the responsibility to step in and set the schools right.

That type of system should not be compromised by a scheme here in Washington that basically turned the clock back, put my State back to the starting point and made them run an entirely different race. I believe, through the efforts of the conferees, we have a situation in which my State and other States can build on what they have done to create even a better system. That is one aspect that we confronted as we moved along.

The second aspect, the one that is the most troubling, is the fact that all of these important innovations and initiatives that have been embraced by this legislation will not be successful if we do not have the funds to give the States and the communities to carry out our intent, our wishes and their wishes, which is truly to give every child an opportunity and an excellent education.

We know we are in a very difficult, precarious situation. The tax cut of last spring has set us back immensely in having the extra resources or even the resources at all to robustly fund education, to make it the kind of national priority this bill calls for. After September 11, it is even more difficult. But before September 11, as vice chairman of the Joint Economic Committee, I was pleased to be able to issue a report of the Democratic staff on September 7 that raised very seriously the question of whether or not we were going to be in deficits for the foreseeable future because principally of the tax cut. The reality is, we are.

The OMB Director declared a few weeks ago that we are looking at sev-

eral years of deficits. So that will make it very difficult for this Congress to live up to the very challenging standards we set for ourselves in this legislation. But live up to it we must.

The situation here in Washington is difficult. If you go back to the States, it is even more difficult. It has been estimated that the States have already scheduled about \$11.3 billion in educational cuts to meet their budget crisis. As we are talking about extra money in the billions, that is very encouraging, but it really could be offset before we even sign this bill by the cuts we see in the States. They are taking drastic steps. That \$11.3 billion means laying off teachers, eliminating teacher training, eliminating parental involvement, all the things we say are necessary, all the things about which we are speaking with great pride and purpose. The States are forced today to begin to cut those.

In Rhode Island, the Board of Governors for elementary and secondary education suggested that the state increase the education budget by 4.4 percent. The Governor has told every State agency to cut their budget by 6 percent. To his credit, he has said there will be a little extra for education. We won't force them to have the 6-percent cut. But nowhere is he prepared to meet the 4.4-percent increase. That is going to be multiplied throughout this country. So we are looking now at a situation where we will have to struggle mightily for resources. The States are already cutting their budgets.

And so again we can be pleased that this structure of educational reform has been completed, but if it is built on a foundation that shifts with the winds of deficit, then we are going to be in an awkward position in the months and years ahead. That is why I was so strongly committed to supporting the efforts of Senator HARKIN, Senator HAGEL, Senator JEFFORDS, and so many others to fully fund IDEA, to make that funding mandatory.

First, it is the right thing to do. Back in the mid-1970s, we committed ourselves—the Federal Government—to IDEA, to share significantly with the States the cost of meeting the education needs of students with disabilities. We never lived up to that. Year in and year out, we have all said how strongly we believe in IDEA, how much we have to fund it. We relay tales of our school committees and superintendents, and how they insist that if you do anything at all, please fully fund IDEA. Yet when we had the opportunity to do that in the conference, we blinked, we refused to do that.

IDEA seems to be one of those issues where we say wait until next year—but next year never comes. Once again, we have to wait until next year. But the real test of education reform, I believe, will be whether or not we do fully fund IDEA next year in our budget and whether we do fund these other innovations incorporated in this legislation.

Fully funding IDEA is the right thing to do. There are 6 million children

today being served by IDEA. They are in regular classrooms, by and large. They are part of the life of the school. They are not shunned and excluded as they were in the fifties, sixties. It turns out that the high school graduation rates for children who receive IDEA instruction are much higher than their predecessors—those young Americans who were pushed aside and urged to leave school or were put in special classrooms. It is working, and we have to make it work more.

The other aspect about IDEA is, if we had made the spending mandatory, we would have freed up significant dollars for other education programs. Now, IDEA will compete with title I and other programs, such as Pell grants, and it will compete with a whole range of programs—all of them important, all of them, I suspect, every Member of the Senate will stand up and support and say we have to do more. Well, we had the chance to do more, and we failed to do that.

I commend Senator HARKIN and Senator JEFFORDS and my colleagues, Senators COLLINS, ROBERTS, WARNER, and HAGEL. This was a bipartisan effort on the Senate side. The House, unfortunately, did not agree with us. But we must attend to this as a first order of business in the next session of this Congress.

This conference report, I believe, represents great progress by many of us. Accountability has increased and improved. One aspect, which is particularly noteworthy—and I believe it has been mentioned by many colleagues—is the increased targeting of title I. That program was designed in 1960 to help low-income students, but through the process of legislation it has been flattened out so that title I reaches many students and it is not targeted to the very poor. This legislation changes that and, given the caveat of robust funding, it could be the most significant aspect of this entire legislation. I believe, again, this is something very near and dear to Senator KENNEDY's efforts—not just this year, but over the lifetime of his service to the country and the Senate. I commend him for that in particular.

I am pleased, as I have made clear before, about the library provisions included in the President's literacy program. This legislation is much more sensitive, in many different aspects, to parental involvement. Professional development—although it doesn't go as far as I would like—sets the right tone, the right direction, and is emphasized as a critical aspect of not just development of teachers, but reform of education.

We have the concept of child opportunity zones that has been embedded into the legislation. I hope we can build on that and see how that works. I know it works in my State. I hope we can take that notion of coordinating and integrating services for children in the school and make it something that is common in every jurisdiction.

Bilingual education has been strengthened significantly. There is also good news in the fact that provisions in the other body that would have limited bilingual education to 3 years were stricken. Now it is much more oriented to serving these children, getting them to master English as a critical language, not just here in the United States but around the globe, and not arbitrarily saying you have 1, 2, 3 years to learn it. That might be easy for a 5- or 6-year-old coming to this country, but what about a 14-year-old who grew up in a country without the educational advantages we take for granted? I would find it difficult to become a fluent speaker in another language in 2 or 3 years. I assume that would be the case for others coming here. This legislation does not have an arbitrary limit.

The safe and drug-free schools program, once again, incorporates aspects of parental involvement. Technology grants are here, with participation by parents as well as teachers and educational supervisors. The accountability provisions have been hard fought over many weeks. It represents a balance between a legitimate and credible national standard, together with local flexibility, ultimately checked by the national test, which will see how well the States are doing, given the opportunity to develop their own tests internally.

All of this is very commendable and, in some respects, exciting. But I come back to what I have said throughout this presentation: All of this will be interesting but ineffectual without real funding—not just at the Federal level, but at the local level; not just for 1 year, but for many years.

One of the great experiences of my life was being able to serve as a soldier in the Army. One of the great transformations of a lifetime was the transformation of our military. One of the key aspects was their recognition that you had to train the trainers—better professional development. It was done with the knowledge that you had to have real resources to do it. You had to commit real resources. We did that.

Today we are seeing amply demonstrated the wisdom of increased professional development, high standards of accountability. But resources go along with it.

I will conclude by simply saying that one aspect of this legislation that has received a great deal of notoriety has been the fact that every child in America, beginning in 2005, will have to be tested from grades 3 through 8. I am confident that the children of America will pass those tests—if this Senate passes the test it faces next year: Fund education aggressively—IDEA and title I. If we pass our test, I have no doubt the children of America will pass their test. If we fail, how can we blame them?

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend again, my colleague from Rhode Island, for his excellent presentation in highlighting a number of the very important provisions included in the bill in which he was particularly interested. I thank him also for emphasizing the importance of responsible action and investment in education by the States, and by the Federal Government.

As I mentioned earlier in the day, we are putting a great deal of responsibility on children and youth to succeed academically. We are putting enormous responsibilities on the schools to teach effectively, and we are giving a great deal of information to the parents so that they can be responsive and effective advocates for their children. All of these ideas and reforms are set forth in this legislation. But the ingredient that will make the real difference, and ensure that all of this works, is funding—additional help and assistance State legislatures and additional help from this institution. We are prepared to make that case in the future, as we have tried to do so often this past year, and in the most recent past with some success.

Mr. President, I thank all of our colleagues on both sides for their comments. A number of colleagues came and talked about the different parts of the legislation that they were most involved in, and we have a number of others who are looking forward to making comments tomorrow. I think there is requested time for probably 12 to 14 colleagues on our side. I know a similar number on the other side will have a short timeframe. We are coming in at 9:30 and intend to vote at noon-time.

In summary—and I will do this very quickly—I think if someone can think about these elements together, I think they come to the realization that each of these reforms is important, but taken together, they give us something that is very special in this legislation, reforms that are eminently worthwhile.

We were talking about State standards. We will have additional discussion on the issue of standards and assessment tomorrow, but I would like to highlight these elements in this legislation and make a brief comment before we adjourn this evening.

In this legislation, we talk about assessments and States developing content standards—what the educators, parents, and those involved in educational policy think a child should know at a grade level. We then highlight curriculum development, and invest in a well-trained teacher for each classroom. After reforms are in place, high-quality assessments help us identify what a child does not know so that we may assist that child to achieve the knowledge he or she needs to succeed.

That is our desire, and we are doing it with assessments that are not off-the-shelf tests but a thoughtful way of testing not only what the child has ac-

tually learned but also how they have learned to think.

I will mention briefly several aspects of these assessments. They must be valid and reliable. They must be aligned to academic standards. The scores must be disaggregated by race and ethnicity, English-proficiency status, migrant status, students with disabilities, and economically disadvantaged students so that we know that all children are learning. And so that we can identify who is falling behind, and provide additional help and attention to such children.

Gone are the days where students fall through the cracks. Children will not fail with no attention to their failure in a given classroom. We will know. And we will be held accountable. This is incredibly important.

We are going to insist the tests meet high standards of validity and reliability, and that they are developed consistent with professional and technical standards. There must be multiple measures within the test multiple test items, varying formats, and multiple tests to assess the highest order of understanding and thinking; not just memorizing, but critical thinking and true problem solving. That is a key element. All educators understand that developing those skills is the key to student success.

Under this bill, Itemized score analyses of test results will be prepared and reported to school districts and schools to address specific academic needs so districts will know if their children are falling behind, and why. All schools and school districts, for the first time, will have the data to know. We will be able to analyze not only a particular school but also an entire school district, which is very important.

We have individual diagnostic reports that will be provided to teachers, parents, and principals to provide information on student achievement and help address the specific academic needs of the students.

Students with disabilities will be provided reasonable adaptations and accommodations for inclusion in State assessments. If a child needs additional time because of a disability, they will receive the time they need. That will be worked out by teachers and by professionals so parents will not be tormented with saying: My child could have done all right if they had a little more time. States vary in the type of accommodations they provide to students with special needs. But some States have structured a system that works very well. We have taken the success of those States and worked closely to model this legislation to ensure that all students with special needs—students with disabilities and students with limited English proficiency—are provided the accommodations they need to succeed. I believe that we will make a major difference in the evaluation of such students.

States must also identify languages other than English that are spoken by



English language learners, and identify the need for testing such students in their native language. This is of the utmost importance, because we have seen in States such as Colorado that, at an early point in their academic career, some English language learners perform better on assessments in their native language than they do in English. Ultimately, and at the appropriate time, all students should be assessed on their reading skills in English. But in the meantime, States must make every effort to develop native language assessments. These are the kinds of details we have gone into in this area and why we think it will make an important difference in educational enhancement.

I will quickly summarize in these final moments before the Senate goes in recess for the evening. We have basically set goals to achieve academic proficiency for all children in this country within 12 years. I said on a number of occasions those great words of H. L. Mencken: For every complex problem, there is a simple, easy answer, and it is wrong. We understand it is complex, and it is going to take us some time. We set the goal for 12 years for proficiency for all children, and we are going to need the resources to do it. We are setting the mark down now that we are starting down that road.

We have increased targeting of the resources, as we explained earlier, both in rural areas and in urban areas; a qualified teacher in every classroom, and professional development to continue to support their professional growth. These are key aspects of ensuring opportunity for our children. I talked about these reforms earlier today.

We are allowing States to continue to reduce class sizes. There will be the resources to do that, not as broad as I would like, but there will be resources.

We expand afterschool opportunities. There will still be a lot of children who will not be able to participate because we are not giving that enough support, but it is in the bill.

We promote safe and drug-free schools.

We expand the support for limited English proficient students. I was reminded of the success of bilingual education, listening to my colleague from New Hampshire earlier, who is not here now, as he spoke about the failure of bilingual education programs. Not all bilingual education programs are successful. However, many are. I know of some school districts where they are teaching children several days a week in English, and other days in Spanish. The students receive dual immersion in those two languages. The limited English proficient students learn in their native language and in English. And at the end of the fifth, sixth, and seventh grades, these children have higher levels of literacy than that have only learned in one language. There are successes. Not all of them are successful, but there are successes, and this

legislation builds on those programs that have been successful.

Since 1995, the two-way bilingual education programs introduced in a number of the elementary schools in the St. John's Valley in the State of Maine have taken substantial steps to improve student achievement. The French-English program is an additive bilingual program, meaning that all students learn a second language without compromising their first language. This is the only program of its kind in Maine.

The St. John's Valley district, through support from a federal bilingual education grant, supported costs for teaching training, materials, and administrative costs between 1995 and 2000. In 1997, students from the immersion program at the second grade outperformed non-immersion students on the California Test of Basic Skills in reading, vocabulary, and language mechanics. The trend continued in 1998 with students in the bilingual education program placing 93rd in the national percentile in reading and math on that test. Clearly, there are programs that work, and they work well.

The additional commitment to reading and early reading in this bill is enormously important. Parental involvement, resources for the construction of charter schools, expansion of school libraries, assistance for children's mental health and emotional needs—this is something which is of enormous importance. Supportive resources for struggling schools, accountability for results, protecting civil rights of all children—each reform is eminently worthwhile.

Taken together, the whole is greater than the sum of its parts. This conference report deserves to receive an overwhelming vote in the Senate. I look forward to that tomorrow.

If there is no one further who desires to speak, I suggest the absence of a quorum.

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.

#### AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Resumed

Mr. KENNEDY. Mr. President, I call for the regular order with respect to S. 1731.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agriculture producers, to enhance resource conservation and rural development, to provide for farm credit, agriculture research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

#### CLOTURE MOTION

Mr. KENNEDY. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle for Harkin substitute amendment No. 2471 to Calendar No. 237, S. 1731, the farm bill:

Paul Wellstone, Tim Johnson, Bill Nelson, Harry Reid, Blanche L. Lincoln, Zell Miller, Barbara Boxer, Byron L. Dorgan, Max Baucus, Tom Carper, Ben Nelson, Kent Conrad, Tom Harkin, Patrick J. Leahy, Fritz Hollings, Jean Carnahan.

Mr. KENNEDY. I ask consent the mandatory quorum be waived with respect to the cloture motion.

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

#### MORNING BUSINESS

Mr. KENNEDY. I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 5 minutes each.

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

#### ANTHRAX

Mr. BYRD. Mr. President, during the past few weeks, the American people have learned more than they thought they would ever want to know about the ancient scourge of anthrax. From reading the morning newspaper, and watching the nightly news, we have learned much about what anthrax is, how it infects, the dangers it poses, and ways to treat it.

But there was been very little attention given to the history of this dreaded and deadly disease that is on everyone's mind. From where did it come? What has been its impact on the world?

Let me begin by pointing out that the disease derives its name from anthracis, the Latin transliteration of the Greek word for coal, and the name probably stems from the black scab-like crust that the anthrax lesion develops. But through the ages, anthrax has been called by a variety of names. In Russia, cutaneous anthrax—infection through the skin—has also been called "Siberian ulcers" because of the prevalence of the disease in that region. Inhalation anthrax has been called "wool sorters" disease because it comes most commonly from inhalation of spore-containing dust produced when animal hair or hides are handled. A colloquial German term for anthrax is "ragpicker's disease."

The exact origins of anthrax and the time of its arrival upon Earth are unknown. But, it is commonly accepted that anthrax has been killing animals, and humans too, for thousands of years, perhaps as much as 10,000 years, dating back to the beginnings of animal domestication. It is certainly a



pestilence as old as pastoralism and the origins of civilization. It is believed that man probably became aware of anthrax when he turned from hunting to a life of farming and animal husbandry.

The first recorded appearance of anthrax can be found in the Bible, where it appears that God may have used anthrax to punish the Pharaoh for holding the ancient Hebrews in bondage. The fifth Egyptian plague that affected livestock, and the sixth plague, known as the plague of boils, could well have been anthrax. These plagues are depicted in the Book of Exodus which reads: "Behold thy hand shall be upon thy fields and a very grievous murrain upon thy horses, and asses, and camels and oxen, and sheep." Murrain, according to the dictionary, is a group of cattle diseases that includes anthrax.

Anthrax may well have been Apollo's "burning wind of plague" that begins Homer's "Iliad," a plague that attacked "pack animals first, and dogs, but soldiers too." Ancient Greek physicians, Hippocrates and Galen, described skin lesions that were probably those of anthrax. Some medical historians believe that the "plague of Athens," 430-427 B.C. as recorded in Thucydides's "History of the Peloponnesian War," was probably anthrax. Thucydides describes symptoms of fever, bleeding, and "small pustules and ulcers," all consistent with a severe form of the anthrax infection.

In ancient Rome, Virgil's "Georgics" laments the shortage of animals caused by what appears to have been anthrax: "Now in droves she deals out death, and in the very stalls, piles up the bodies, rotting with putrid foulness."

For the next 2,000 years, animal and human anthrax ravaged Europe and Asia. At periodic intervals, plagues of anthrax swept across huge tracts of land killing massive numbers of livestock and people. In 1613, for example, 60,000 persons in southern Europe died of anthrax.

The disease was first recognized in North America during the colonial days. In Santo Domingo in 1770, about 15,000 people are reported to have died from intestinal anthrax contracted by eating diseased meat. The first recorded human case of anthrax in the United States occurred in Philadelphia in 1834.

In the late 19th century, anthrax contributed to two medical breakthroughs. The first came in 1876 when the German physician Robert Koch confirmed the bacterial origins of anthrax. Koch grew the organism *bacillus anthracis* in pure culture. He demonstrated its ability to form endospores, and produced experimental anthrax by injecting it into animals. This was the first microorganism ever specifically linked to a disease and demonstrated that germs cause disease.

Just 5 years later, in 1881, anthrax again contributed to medical history when the legendary French chemist, Louis Pasteur, produced a vaccine that helped prevent anthrax infection in

animals. This made anthrax the first disease to be prevented by a vaccine.

Inspired by Pasteur's contributions to control anthrax in animals, in 1895, an Italian investigator named Achille Scavo developed a serum for the treatment of anthrax in humans. Since then, the treatment of human anthrax has been further refined and the introduction of a succession of drugs, including penicillin, tetracycline, and, I must say, Cipro.

Throughout the 20th century, despite all the progress that had been made in identifying and fighting the disease, naturally occurring anthrax has continued to take a heavy and widespread toll on the world's population, both animal and human. Cases of livestock being devastated by anthrax were reported every year throughout the world, with Spain, Albania, Italy, Romania, Turkey, Greece, and Russia suffering significant outbreaks on a regular basis. In 1945, an anthrax outbreak in Iran killed more than a million sheep. In the United States, an outbreak of anthrax in Kansas and Oklahoma in 1957 killed 1,500 head of cattle, numerous pigs, horses, and sheep.

In the United States, there have also been scattered, fatal cases of inhalation anthrax. Between 1930 and 1960, there was a football player who may have contracted the disease from playing-field soil, a San Francisco woman who beat bongo drums made of infected skin, a construction worker who handled contaminated felt, and several gardeners whose infections were traced to contaminated bone meal fertilizer. In Manchester, New Hampshire, in 1957, inhalation anthrax killed four woolen-mill workers. In the same year, a man and a woman living near a Philadelphia tannery also died of inhalation anthrax.

The most deadly human anthrax epidemic in the 20th century occurred in Zimbabwe between 1979 and 1985. More than 10,000 people were infected, and at least 182 cases were fatal.

But, it was in the 20th century that the history of anthrax took on another lethal dimension—anthrax became a weapon of war.

Biological warfare, of course, was not novel to the 20th century. The Romans fouled water supplies of their enemies by dumping the rotting corpses of people and animals into the wells of their enemies. The Mongols catapulted the cadavers of persons who had succumbed to bubonic plague inside the town walls of cities they had besieged. The British, and later white Americans, destroyed Indian tribes by giving them disease-infected clothing.

But it was in the 20th century that mankind started developing, experimenting with, and then deploying anthrax as a weapon of war.

World War I is well remembered for introducing poison gas into warfare. But, during that war, Germany also established a large biological weapons program that involved anthrax. They infected livestock exports, bound for

Russia and Allied countries, with the disease. In Norway, police arrested German agents carrying vials of anthrax bacteria with which the agents intended to infect reindeer being used to carry supplies to the Allied forces in Europe. In the United States, German agents were reported to have injected horses, mules, and cattle with anthrax.

International revulsion at the horrors of World War I included a revulsion against chemical and biological weapons, and this led to the Geneva Protocol of 1925. This treaty, which 28 nations signed, prohibited the use of both chemical and biological weapons in war.

The high hopes for this treaty were never achieved because it only banned the use of biological weapons in war, and did not expressly forbid their production and development. Furthermore, several nations, including the United States, reserved the right to use biological weapons in reprisal if first used against them—thus implicitly maintaining the right to develop and stockpile the weapons.

The failure of the treaty was revealed in the early stages of World War II, when imperial Japan began a massive, deadly biological warfare program in Manchuria, the infamous "Unit 731," which included the development and use of anthrax. Japanese scientists conducted experiments on Chinese prisoners, while the Japanese military targeted both the Chinese military and civilians as well as Manchurian civilians with anthrax weapons, killing thousands.

There is no indication that Nazi Germany had any investment in biological weapons capability. According to Jeanne Guillemin, who has researched and written extensively on anthrax, a directive from German dictator Adolph Hitler forbade research on offensive biological weapons. However, late in the war, Guillemin writes, it appears that some of Hitler's subordinates, notably Reich Marshal Herman Goring, began supporting research on biological weapons at a small secret facility in Poland, but the war ended before the effort produced any results.

Meanwhile, Allied governments had stepped up full scale anthrax-based biological warfare programs. In 1942, the British military experimented with explosives testing involving anthrax spores on an island just off the coast of Scotland. It would take the British 36 years, 280 tons of formaldehyde, and 2000 tons of seawater to decontaminate the island.

In 1943, the United States began developing anthrax weapons. By the next year, 1944, American engineers, at what is now Fort Detrick, MD, had produced 5,000 anthrax bombs for use by the Allied forces, but they were never deployed.

After World War II, the United States and the Soviet Union engaged not only in a full-scale, nuclear arms race, but also in a biological weapons race as well. At times, the cost was high, in

human as well as financial terms. In 1951, for example, two Fort Detrick employees died after exposure to anthrax. Neither country, however, was deterred. The cold war was underway and so was the effort to develop deadly weaponry. Therefore, both countries continued stockpiling germs as well as nukes.

In 1969, President Richard Nixon had finally had enough. After reviewing the extensive U.S. investment in offensive biological weapons, he declared: "Mankind already carries in its own hands too many of the seeds of its own destruction." He terminated the American offensive biological weapons program and began championing a British proposal that called for an international treaty to ban biological weapons, an effort that resulted in the Biological Weapons and Toxins Convention and Treaty of 1972. Since then, 140 states have signed the treaty agreeing to halt research directed at the offensive use of biological weapons.

The high hopes for this treaty were smashed when both the United States and Soviet Union interpreted the treaty in such a way as to allow ongoing research on more than 200 projects. The failure of the treaty was vividly and tragically demonstrated in April, 1979, when an anthrax outbreak at a military microbiology facility in the Soviet Union killed about 70 people.

The end of the cold war failed to end the threat of biological weapons. Because they are deadly, cost-effective weapons to produce—a major biological weapons program requires only about \$10,000 worth of equipment and a 16x16 square-foot room—biological weapons became a weapon of choice for international terrorists. Domestic as well as foreign terrorist organizations have been caught attempting to unleash anthrax upon innocent civilians. In the 1990s, the Japanese terrorist cult that attacked the Tokyo subway system with sarin gas, also released anthrax on Tokyo near the imperial palace, the legislature, and a foreign embassy. Fortunately, no one was injured.

What these terrorist groups or nations could not produce themselves, American companies have been ready to provide.

According to a 1994 Senate report, private American suppliers, licensed by the U.S. Department of Commerce, exported biological and chemical materials to Iraq from 1985 through 1989. *Newsday* reported that one American company alone made 70 shipments of the anthrax-causing germs and other pathogenic agents to Iraq in the 1980s.

Mr. President, I find it unfortunately ironic that American companies were supplying anthrax to a nation with which, just a few years later, we were at war, thus forcing American soldiers to face the prospects of encountering those same germs on the battlefield. I find it tragically ironic that American companies were selling anthrax to a country that the State Department now includes on its lists of states that

sponsor terrorism—a nation that may now be participating in anthrax attacks upon the United States.

I realize that Iraq had been at war with Iran, and Iran was our bigger enemy at the time. Therefore, it may have served our military and political interests to have been shipping supplies of anthrax to Iraq. But, I have to ask, shouldn't we have been a little more careful about which countries we supplied with such potentially deadly weapons? We realized the danger in the proliferation of nuclear weapons. Why shouldn't we have been as vigilant with biological weapons? We may now be paying the price for our negligence!

I also realize that this is hindsight, and, as they say, hindsight is twenty-twenty. The worst private's hindsight, they say, is better than the best general's foresight.

We have recently had foresight—warnings that have been ignored.

A short time ago, the U.S. Commission on National Security/21st Century, referred to as the Hart-Rudman Commission, pointed out:

biological weapons are the most likely choice of means for disaffected states and groups of the 21st century.

Two years ago, in testimony before the Senate Foreign Relations Committee, CIA Director George Tenet pointed out:

There are a number of terrorist groups seeking to develop or acquire biological and chemical weapons capabilities. Some such groups—like Usama bin Ladin's—have international networks, adding to uncertainty and the danger of a surprise attack.

Last April, the State Department, in its "Patterns of Global Terrorism," pointed out:

Most terrorists continue to rely on conventional tactics . . . but some terrorists—such as Usama bin Laden and his associates—continue to seek chemical, biological, radiological, and nuclear capabilities.

There were plenty of warnings that an archenemy of the United States, an archenemy determined to kill as many Americans as he could, could well unleash this ancient scourge upon America.

Who among us could have truly comprehended beforehand the horror of September 11? It is difficult enough to understand even after the fact.

But if history teaches us anything, it is that we should never underestimate the enduring power of evil. No science fiction writer ever wrote of anything as horrible as the Nazi Holocaust. It took an evil madman and his fanatical followers to make it a reality.

Now we are faced with another madman and his fanatical followers. We cannot allow ourselves to ever again underestimate him or others like him.

#### ATTACK ON HAITIAN NATIONAL PALACE

Mr. DEWINE. Mr. President, I want to take a moment—I see my colleague waiting to speak, and I ask him if he will indulge me 5 more minutes—to

talk about something that happened very early this morning in this hemisphere that I think does, in fact, affect all of us in this country.

Today we are faced with a very grave situation in Haiti. Early this morning, armed gunmen stormed the National Palace in Haiti apparently in an attempted coup. While the Haitian police have apparently regained control of the building, the violence in Port-au-Prince seems to have just begun.

In apparent retaliation for the palace attack, hundreds of President Aristide's supporters have surrounded the palace wielding machetes and sticks. Recent reports also indicate that supporters have torched the headquarters of the Convergence opposition alliance, as well as other headquarter buildings of the 15-party alliance.

It is also my understanding homes of opposition leaders have now come under attack.

Now, more than ever, it is essential that President Aristide call for peace and push for domestic order. Continued violence and retribution will do nothing but cause further instability and upheaval. Candidly, I fear that Haiti may be ready to implode. President Aristide has an obligation to take his immense popularity and use that popularity to talk directly to the people of his country and make it clear to them and his supporters that taking revenge on people who they think may have been involved in the coup or taking revenge on the parties that oppose President Aristide is not in the best interests of Haiti. He has an obligation to do that, and I call upon him to do that and to help stop the violence.

As my colleagues well know, Haiti's political system has been in turmoil for quite some time. The most recent crisis stems from last year's contested elections. After 17 visits to the country by the mediator appointed by the Organization of American States, there has been no agreement yet reached.

Both the Haitian Government and the opposition coalition continue to avoid a compromise. Both the opposition parties and the President of Haiti have an obligation to go further than they have gone to try to work out their differences. They need to do that for the benefit of the impoverished people of Haiti. Ultimately, it is the Haitian people who suffer from this continued dispute.

Today we are faced with a country of about 8 million people who grow more and more impoverished, if that is possible, with each passing day. Haiti is already by far the poorest country in the hemisphere. We are faced with a country whose poverty and instability continue to deepen.

This despair has erupted into violence, violence that threatens the very stability of the Aristide government. That is why it is especially important Mr. Aristide and the Haitian Government show leadership and push for order in Port-au-Prince.

I urge Mr. Aristide not to condone further violence or retribution. I also

urge anyone who is trying to stage a coup to respect the popularly elected Government of Haiti.

I also urge Mr. Aristide to move forward with OAS efforts to bring an end to Haiti's continued political crisis and bring about positive change. Similarly, I encourage the opposition coalition and its followers to show restraint and work toward a peaceful solution.

I conclude by saying the United States continues to be a friend to the Haitian people. At present, there are no holds on bilateral and U.S. humanitarian assistance to the Haitian people and we are, in fact, providing over \$55 million this year alone. There is, however, other money that is being withheld. The American Development Bank, for example, this money will continue to be withheld until there is a political settlement in Haiti, a settlement that must take place. Until the Haitian Government calls for an end to violence, including today's retribution, and distances itself from the kidnappings, political killings, and corruption, then innocent Haitian people will continue to suffer.

I thank my colleague for allowing me to proceed. I have spoken many times about the situation in Haiti. I will continue to do so. I am planning to actually travel to Haiti next month. This is a situation that ultimately is of grave concern to the United States, but ultimately we must realize, as the people of Haiti and this Government must realize, the future of Haiti is in their hands, not in ours. Settling the political disputes, restoring the peace, is in the hands of the Haitians. We call upon them to do that.

I yield the floor.

#### TRIBUTE TO CUBA WADLINGTON, JR.

Mr. NICKLES. Mr. President, I rise today to honor and pay respect to a great man who was also a great builder: a builder of pipelines, a builder of communities and a builder of dreams. Cuba Wadlington, Jr., president of Williams Gas Pipeline, died on Sunday, December 9, in Tulsa, OK. He was the quintessential pipeline executive. Over the last two decades, there was no one more driven to conceive and build interstate natural gas pipeline projects. The Kern River pipeline, his first, was the longest pipeline built in the 1990's and was the first interstate pipeline to be built into California. His vision also produced Gulfstream pipeline, the first line to connect Alabama and Florida by laying pipe on the floor of the Gulf of Mexico. These projects are a part of the 28,000 miles gas pipeline system that is Williams'. Those who know Cuba also know that he had a passion for Alaska and his early and current work were focused on building a pipeline to bring natural gas from Alaska to the lower 48 States.

However, Cuba had more than just a passion to bring new sources of gas supply to new customers in new States.

He had compassion to build up people and the communities in which they lived. Most recently, he worked to raise \$30 million for the United Way. A passionate golfer, Cuba was seen nationwide as he appeared in a television commercial with Tiger Woods championing the Woods Foundation through the Williams World Challenge, a PGA golf tournament raising money for children. He was also the chairman-elect of the United Way of America and on the boards of Up with People International, the Tulsa Philharmonic Society, the Nature Conservancy, the March of Dimes and on the Executive Committee of the Indian Nations Council of the Boy Scouts of America.

Beyond communities and children, Cuba was also a champion of his employees. He was a leader in promoting diversity of ideas, cultures and backgrounds. He worked within Williams on its workforce initiatives and on opportunities to attract and advance minority talent.

Cuba often stated his belief that "to be a true leader you must have a vision for the future and be ruthlessly committed and focused on making that vision a reality. True leaders have the capacity to take a diverse group of employees from all levels and deploy strategies that optimize their capabilities. Leaders do not surround themselves with people in their own image, instead they surround themselves with a diverse and highly talented workforce." I find these great words to live by, from an outstanding leader whose many contributions will be greatly missed.

Cuba was born in Arkansas, held degrees from Washington University and St. Louis University and served his country in the U.S. Marine Corps. His service with Williams spanned 22 years. Our thoughts and prayers go out to his wife Ann, their two children and their three grandchildren. His positive contribution to numerous employees, countless friends and all Oklahomans is greatly appreciated.

#### ENERGY AND THE ENVIRONMENT

Mr. JEFFORDS. Mr. President, I rise today to address the impact of our existing energy policies on America's environment and public health.

Energy touches every aspect of our lives, from the fuels that heat our homes and businesses, to the electricity that powers our lights, to the electricity that powers our lights, to the gasoline that runs our cars, airplanes and other forms of transportation.

Unfortunately, our current energy use comes at a price.

We are heavily dependent on oil imported from politically unstable areas of the world. Vehicle emissions are one of the major air pollutants, yet our vehicle fuel efficiency standards have been at a virtual standstill for more than a decade, and we have made very little movement toward real use of al-

ternative, nonpetroleum fueled vehicles.

Emissions from our Nation's power plants degrade air quality, pollute our water, and contribute a whopping 40 percent of our national carbon dioxide emissions, the main cause of global warming. We in the Northeast live downwind from virtually the entire Nation. Pollution from many of the Nation's most industrialized regions makes its way to my State, bringing acid rain that is destroying Vermont's forests and lakes, and mercury that is contaminating our fish. Regional haze significantly reduces visibility in the Northeast, diminishing views in the Green Mountains and across our beautiful Lake Champlain, and affecting other of our most scenic natural areas.

So I have a very personal interest in how energy is used and developed in this country.

As chairman of the Environment and Public Works Committee, I also have a very strong interest in how energy use affects our national air quality, water quality, and wildlife. I am concerned about emissions that cause global warming, and that harm our natural environment and the health of our children, our seniors and those who suffer from respiratory diseases.

We must also manage to have affordable energy without having to destroy pristine natural areas such as the Arctic National Wildlife Refuge.

Nuclear energy is also an important component of our energy mix. We must find ways to deal with the environmental and public health risks associated with production, storage and disposal of nuclear energy. We must also thoroughly and quickly address facility security, an issue of compelling concern for nuclear as well as chemical plants following the attacks of September 11.

As chairman of the Senate EPW Committee, I have held numerous hearings on these issues. I have also introduced legislation that would mandate strict emissions standards and create incentives for the use of clean, alternative power. I have introduced legislation that would provide tax incentives to support alternative fuel and new technology vehicles. And I have introduced legislation to promote alternative energy sources through the use of renewable energy trading credits, through the establishment of matching funds to States to promote energy efficiency programs and through net metering which gives consumers credit for their own production of solar or wind energy.

I will continue to review emissions from the electricity and transportation sectors and related air, water and human health concerns in the EPW Committee in the upcoming session.

I wish to express my strong commitment to continuing to work with Senator DASCHLE and Senator BINGAMAN on legislation to advance our national energy policy in the right direction. I congratulate them on introduction of

S. 1766, the Energy Policy Act of 2001. This comprehensive energy package sends a strong message about our need to achieve energy efficiency, and to diversify into clean, domestically produced renewable energy.

I applaud my colleagues for stepping forward on these issues. It is imperative that we create a national energy policy that will provide adequate and affordable energy supplies, but will leave a heritage of clean air, clean water and pristine wild places, while also reducing harmful carbon emissions that destabilize our global climate. Senators DASCHLE and BINGAMAN and their staffs have put in long hours to make this a consensus bill, and I commend them for their leadership on these complex issues.

Certainly there is much to support in the Daschle/Bingaman legislation.

I thank them for including a modified version of S. 950, the Federal Reformulated Fuels Act, a bill that was approved by the Senate Environment and Public Works Committee earlier this year. That inclusion should help reduce MTBE contamination of water supplies and enhance fuel suppliers' flexibility in meeting market demand. That part of the bill also includes a provision to grow the renewables share of the transportation fuels market. That benefits the environment and reduces our petroleum dependency.

I am glad to see provisions in the Daschle/Bingaman bill allowing those who generate wind, solar and other clean renewable energies to connect to the energy grid, and to receive credit for their renewables generation through net metering. These provisions are essential for allowing entry of renewable technologies into the market. While some issues in these provisions still need to be worked out, I strongly support addressing them in comprehensive energy legislation.

I also support the bill's provisions on efficiency standards for homes, schools and public buildings, as well as the efficiency standards for appliances and other consumer and commercial products.

I support the provisions that fund additional research and development for expanding our energy efficiency technologies, for reducing greenhouse gas emissions, and for promoting renewable energy.

Having long been a champion of energy assistance to low-income families, I applaud the provisions which increase funding for the Low Income Home Energy Assistance Programs, LIHEAP, the Weatherization Assistance Program and the State Energy Programs. Price spikes in home heating fuels hit low-income consumers the hardest. We should give strong support to these programs which help families pay their bills, and which address the underlying energy efficiency problems associated with high energy costs such as better airsealing, insulation, and furnace and cooling replacements.

The Daschle/Bingaman legislation also sets us on a path to seriously ad-

dress global climate change. The bill directs the development of a comprehensive energy research and development strategy to reduce greenhouse gas emissions. It incorporates a sense-of-the-Senate resolution urging the administration to re-engage constructively on international negotiations on climate change. And, the legislation creates a mandatory greenhouse gas emission reporting and registry system.

For all its good provisions, however, the bill has several serious shortcomings. These shortcomings must be addressed if we are to meet our obligation for a clean, effective and responsible energy policy.

The renewable energy portfolio standard in the bill falls well below what is technologically achievable. In so doing, it fails to capitalize on the very realistic goal of significantly diversifying our energy supply with clean, domestic resources.

Consistent with my longstanding interest in renewable energy, in August of this year I introduced S. 1333, which sets a renewable portfolio standard, or RPS, of 20 percent by the year 2020.

An RPS is a market-based mechanism that uses tradable "renewable energy credits" to enable utilities to gradually increase the percentage of electricity produced from renewables such as wind, biomass, geothermal and solar energy. Twelve States, including Texas, have successfully enacted RPS requirements.

The U.S. Department of Energy's Energy Information Administration estimates that an RPS providing 20 percent of U.S. electricity from wind, solar, geothermal and biomass energy by 2020 would raise consumer electricity prices by only 0.7 percent in 2010, and by 2020, total consumer electric bills would actually be declining with an RPS. Yet, the Daschle/Bingaman bill imposes a requirement of only 10 percent by 2020.

I note that even this 10 percent is a vast improvement over existing proposals. The administration to date has refused to endorse any RPS, despite successful introduction of an RPS in Texas and other States. HR 4, the House-passed energy bill, contains no RPS. Instead, HR 4 directs approximately \$30 billion in taxpayer subsidies to traditional oil, gas and coal production. This is both unwise and unacceptable.

It is essential that this Congress reverse the trend of overreliance on fossil fuels, a trend that weakens our national security and limits economic and technological opportunities in the energy and commercial sectors. Like most of my colleagues, I too believe we must decrease our dangerous addiction to foreign oil. However, this will not be accomplished by spending billions of dollars on subsidies to promote the status quo. In a world where the U.S. is 56-percent dependent upon foreign imports, but holds only 3 percent of the oil reserves, we are foolish at best to

undervalue emerging renewable technologies. I will continue to work in the upcoming session with my colleagues and the administration to raise our commitment to wind, solar and other clean and domestically produced renewable energy by enacting a strong renewable portfolio standard.

I am encouraged by provisions in S. 1731, the farm bill being considered on the floor this week, that will provide mandatory spending to promote the expanded use and production of renewable energy in the agricultural sector.

The bill provides grants to farmers, ranchers and small businesses to convert biomass into fuels, chemicals and other products. It also finances the purchase of renewable energy technologies such as windmill turbines. It provides specific financial aid to rural electric coops and utilities to aid in the development of renewable energy, and requires Federal agencies to purchase biobased products.

These are types of creative measures needed to strengthen renewable energy in this country.

Comprehensive energy legislation must also address global climate change. Fossil fuel combustion accounts for more than 85 percent of U.S. greenhouse gas emissions.

While the Daschle/Bingaman bill does have many sound provisions addressing global climate change, I am deeply concerned that administration of the greenhouse gas database is not placed with the EPA. EPA is clearly the agency most qualified and appropriate to run this program. No other agency has the experience with air emissions data or the capability to run such a program more effectively. The Agency already collects detailed carbon dioxide emissions information from the utility sector, and leads the Federal agencies in preparation of the national inventory, pursuant to the Global Climate Protection Act of 1987 and other authorities. Placing this responsibility elsewhere in the Federal bureaucracy seems duplicative and illogical.

The Daschle/Bingaman Energy Policy Act of 2001 also leaves out several key provisions which are essential to a balanced energy policy. These include a public benefits trust fund, tax incentives for energy efficiency and renewable energy technologies, and updated CAFE, or corporate average fuel economy, standards. It is my understanding that it is the leader's intention to include provisions in all three areas before the bill comes to the floor.

A public benefits trust fund is necessary to provide local funding for clean energy programs, and to encourage energy efficiency in the electricity system. My bill, S. 1333, would establish a State matching grant program. Eligible areas on which the States can spend the grants include energy efficient programs; investments in promising renewable energy technologies; low-income energy assistance; and universal access to the transmission grid. I urge Senate DASCHLE to include a

similar provision in any final energy package, along with other tax incentive programs for promoting renewables and energy efficiency.

As to CAFE standards, it almost goes without saying that improving the fuel efficiency of our cars and trucks is of the highest priority. The National Academy of Sciences tells us what we already know, which is that improving fuel efficiency will save consumers money, cut greenhouse gas emissions and decrease our dependence on foreign oil. Efficiency in both cars and trucks, and in the electricity sector, are essential to cutting emissions and addressing global warming.

As chairman of the Environment Committee, the environmental and public health impacts of emissions are on the top of my list of concerns. I will be considering legislation that would cap greenhouse gas emissions from the transportation sector, which is responsible for approximately one-third of U.S. emissions.

I look forward to working with Senators DASCHLE and BINGAMAN and my other colleagues to ensure strong provisions in the energy package to address these issues.

I also note that S. 1766 contains provisions that would exempt hydraulic fracturing, a natural gas production technique, from regulation under the Safe Drinking Water Act. Legislation proposing this has been referred to the EPW Committee, and I intend to hold hearings on this matter at the earliest possible time in the upcoming session. Once the EPW Committee has acted on this matter, it is likely I will have amendments to propose to this provision.

S. 1776 also reauthorizes the Department of Energy contractor provisions of the Price Anderson Act. The EPW Committee will be holding hearings early in the session on Price Anderson reauthorization of commercial nuclear powerplants licensed by the Nuclear Regulatory Commission, as well as on security at nuclear powerplants. Senator REID and I will work with the leader on appropriate language to be included in any energy package debated on the floor.

#### CBO ESTIMATE ON H.R. 3009

Mr. BAUCUS. Mr. President, on December 14, 2001, I filed report 107-126 to accompany H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional benefits under the act, and for other purposes. At the time the report was filed, the estimates of the Congressional Budget Office were not available.

I wish to correct a statement made in the report as filed. At section VI.A, the report states that the Andean Trade Preference Expansion Act involves no new or increased budget authority. In fact, the wool provisions contained in section 201 of the bill involve \$24 million in increased budget authority and outlays for fiscal year 2002 and \$12 mil-

lion in increased budget authority and outlays for fiscal year 2003.

I ask unanimous consent that a letter of transmittal and the CBO estimate be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, December 14, 2001.

Hon. MAX BAUCUS,  
Chairman, Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3009, the Andean Trade Promotion and Drug Eradication Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Erin Whitaker, who can be reached at 226-2720.

Sincerely,

BARRY B. ANDERSON,  
(For Dan L. Crippen, Director).

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE H.R. 3009—Andean Trade Preference Expansion Act

Summary: H.R. 3009 would extend the period during which preferential treatments is provided to certain products of countries under the Andean Trade Preference Act (ATPA). In addition, he bill would provide preferential treatment under ATPA for additional articles, including certain footwear and petroleum products. The bill also would provide certain ceiling fans and certain steam-generating boilers.

The Congressional Budget Office estimates that enacting the bill would reduce revenues by \$43 million in 2002, by \$218 million over the 2002-2006 period, and by the same amount over the 2002-2011 period. CBO also estimates that enacting the bill would increase direct spending by \$24 million in 2002 and by \$12 million in 2003. Because enacting H.R. 3009 would affect receipts and direct spending, pay-as-you-go procedures would apply.

CBO has determined that H.R. 3009 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3009 is shown in the following table.

	By fiscal year, in millions of dollars—				
	2000	2003	2004	2005	2006
CHANGES IN REVENUES					
Estimated Revenues .....	-43	-44	-49	-60	-23
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority .....	24	12	0	0	0
Estimated Outlays .....	24	12	0	0	0

#### Basis of estimate

##### Revenues

Andean Trade Preference Expansion (Title I). ATPA expired on December 4, 2001. H.R. 3009 would extend the ATPA program until February 28, 2006. Several products of beneficiary countries would continue to receive preferential duty treatment if the bill were enacted. Based on information from the International Trade Commission and other trade sources, CBO estimates the ATPA program would reduce revenues by \$17 million in 2002 and by \$101 million over the 2002-2006 period.

Under current law, ATPA does not extend preferential treatment to footwear that is ineligible for treatment under the general-

ized system of preferences (GSP), tuna packed in cans, petroleum and certain products derived from petroleum, watches and watch parts containing material that is the product of countries not receiving normal trade relations (NTR) treatment, certain sugars and molasses, and certain leather goods. H.R. 3009 would allow the President to extend duty-free treatment to those products. CBO expects that all imports of these products would receive duty-free treatment.

Tuna packed in cans would receive duty-free treatment for amounts equal to 20 percent of United States production (in kilograms) for the preceding calendar year. Under current law, all imports of tuna packed in cans are subject to a tariff-rate quota. Global imports of tuna packed in cans are subject to a rate of duty of 6 percent when imports in kilograms are less than 20 percent of United States production. Thereafter, imports of tuna packed in cans are subject to a rate of duty of 12.5 percent. Based on information from the National Marine Fisheries Service, the United States Customs Service, and the International Trade Commission, CBO expects that imports from the ATPA program would rapidly fill the global quota for imports, and would continue to receive duty-free treatment until ATPA imports equaled the quantitative limit of 20 percent of U.S. production. Based on information from the above sources, CBO does not expect ATPA imports to exceed the global quota limit. CBO estimates that the provision that would alter the treatment for canned tuna would reduce revenues by \$2 million in 2002 and by \$10 million over the 2002-2006 period.

Under current law, certain apparel articles that are the product or manufacture of an ATPA beneficiary country are entitled to preferential treatment. The bill would allow apparel articles assembled from fabrics formed or knit-to-shape in the United States and certain other apparel articles to receive duty-free treatment. Apparel articles assembled from fabrics produced in the ATPA region would also receive preferential treatment if they do not exceed certain percentages of imports on apparel articles. All preferential treatment would expire after February 28, 2006. Based on information from the International Trade Commission, the Office of Textiles and Apparel in the Department of Commerce, and private-sector sources, CBO estimates that if enacted, all provisions that expand ATPA treatment to new products (including canned tuna) would reduce revenues by \$19 million in 2002 and by \$101 million over the 2002-2006 period.

Miscellaneous Trade Provisions (Title II). H.R. 3009 would provide temporary duty-free treatment to ceiling fans from Thailand through July 30, 2002. The bill also would provide duty-free treatment to certain steam or vapor generating boilers used in nuclear facilities through December 31, 2006. Based on information from the International Trade Commission and other trade sources, CBO estimates that, if enacted, these provisions would reduce revenues by \$7 million in 2002 and by \$19 million over the 2002-2006 period. H.R. 3009 also would alter a program that has provided refunds of duty to certain wool manufacturers. This change is detailed in the section describing changes to direct spending. CBO estimates that this provision would increase revenues by \$1 million in 2002 and by \$3 million over the 2002-2003 period.

##### Direct spending

Under current law, certain manufacturers of selected wool articles are eligible for refunds of duties paid on those articles. H.R. 3009 would change the method of which those payments to manufacturers are computed and would appropriate about \$36 million for

the payments, which must be made by April 2003. Based on information from the Customs Service, CBO estimates that this provision would increase direct spending by about \$24 million in fiscal year 2002 and by about \$12 million in fiscal year 2003.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up procedures for legislation affecting receipts or direct spending. The net changes in governmental receipts that are subject to pay-as-you-go procedures are

shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars—									
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in receipts .....	-43	-44	-49	-60	-23	0	0	0	0	0
Changes in outlays .....	24	12	0	0	0	0	0	0	0	0

Impact on state, local, and tribal governments: The bill contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On October 10, 2001, CBO transmitted a cost estimate for H.R. 3009 as ordered reported by the House Committee on Ways and Means on October 5, 2001. This estimate reflects changes to several provisions. The alteration of the tariff-rate quota program for imports of canned tuna from ATPA countries, the inclusion of preferential treatment for imports of ceiling fans from Thailand and certain steam or vapor generating boilers, the removal of the provisions affecting the Caribbean Basin Economic Recovery Act and the African Growth and Opportunity Act, and the alteration of the wool import program would further reduce revenues, relative to the earlier version of H.R. 3009, by \$2 million in 2002, would lessen the reduction of revenues by \$29 million over the 2002-2006 period, and would lessen the reduction of revenues by \$45 million over the 2002-2011 period. The alteration of the wool import program would increase direct spending, relative to the earlier version of H.R. 3009, by \$24 million in 2002, and by \$36 million over the 2002-2003 period.

Estimate prepared by: Federal Revenues: Erin Whitaker (226-2720). Wool Refund Program: Mark Grabowicz (226-2860). Impact on State, Local, and Tribal Governments: Elyse Goldman (225-3220). Impact on the Private Sector: Paige Piper/Bach (226-2940).

Estimate approved by: G. Thomas Woodward, Assistant Director for Tax Analysis. Robert A. Sunshine, Assistant Director for Budget Analysis.

#### 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 in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 14, 1991, in St. Petersburg, FL. Two gay men were shot with buckshot fired from a 12-gauge shotgun. The attacker, Christopher Scott Morris, was charged with two counts of aggravated battery in connection with the incident.

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.

#### NATIONAL DRUG CONTROL POLICY

Mr. WELLSTONE. Mr. President, I rise today to provide a perspective on the recent Senate confirmation of John Walters to the position of Director of the Office of National Drug Control Policy. In the coming months, I intend to raise certain issues with Mr. Walters regarding his stated positions about the priorities of his office as it deals with our country's domestic drug policy, and I hope my colleagues will do the same.

First, I urge President Bush and Mr. Walters to keep their public commitment to focus on the severe addiction problems faced in our own country and to significantly improve the infrastructure of private and public drug and alcohol treatment and prevention programs. On May 10, 2001, President Bush made a firm public commitment to invest an additional \$1.6 billion in new funding for drug and alcohol treatment over the next five years. Investing in drug and alcohol treatment is not only a critically important public health priority that will save the lives of millions of Americans across this nation, it will also save tax dollars. Research has shown that health care, child welfare, and criminal justice costs decrease, and the productivity of individuals who receive proper treatment helps improve the health and the economy of our country as they return to work, pay taxes, and care for their families.

In addition to investing in public funding, John Walters and the White House Office of National Drug Control Policy should support the passage of full addiction treatment parity legislation so that private insurance can be the first line of defense for the millions of Americans who are employed, have health care, but are struggling with the disease of addiction, and are routinely denied adequate care. By contrast, federal employees enjoy full treatment parity for addiction treatment, and it is time for the rest of Americans to have this health care benefit as well. President Bush and John Walters should continue the support for improving private insurance coverage by supporting passage of full substance abuse parity legislation.

Strengthening the drug and alcohol treatment and prevention services has taken on greater importance in the aftermath of the tragedies of September 11th. Stress and trauma associated with these events, and the ensuing international events and economic downturn will continue to strain the personal, psychological, and economic

resources of individuals and families across our nation. Unfortunately many of them will turn to drugs and alcohol as a way to cope with these pressures, and may develop serious addiction disorders. In a special report issued in response to the terrorist attacks, the National Institute on Drug Abuse reviewed the research literature and reported that, "Stress is one of the most powerful triggers for relapse in addicted individuals, even after long periods of abstinence. . . . Studies have reported that individuals exposed to stress are more likely to abuse alcohol and other drugs or undergo relapse." Researchers funded by the National Institute on Drug Abuse have reported increases in the street sales of drugs in New York City after the events of September 11th. Reports from drug treatment and prevention providers across the nation have shown an increase in the need for treatment and prevention services following these recent events.

Working to destigmatize the disease of addiction so that individuals who suffer from this disease will seek treatment is imperative. Americans will be looking to the President and John Walters as the Director of the Office of National Drug Control Policy to provide the leadership and to shape this message to the country that addiction can be successfully treatment, and to support this message by providing adequate funding. I urge John Walters to find innovative ways for the Office of National Drug Control Policy to work closely with recovering communities, national organizations, state associations of treatment and prevention providers, anti-drug coalitions, families, employers, and other community leaders to reduce stigma and promote recovery, treatment, and prevention nationwide.

Finally, President Bush has nominated a highly qualified individual, Dr. Andrea Barthwell, to serve as the Deputy Director for Demand Reduction for the Office of National Drug Control Policy. Dr. Barthwell is extraordinarily qualified for this position and the Administration would be fortunate to have her expertise readily available as the lead White House advisor on domestic drug and alcohol treatment and prevention issues. In addition to being a physician who has long practiced addiction medicine, Dr. Barthwell presently serves as the President of the American Society of Addiction Medicine and is on the board of three federal advisory committees for the National Institute on Drug Abuse, the



Food and Drug Administration, and the Center for Substance Abuse Treatment. Dr. Barthwell also has worked with policy makers at the highest levels of state and federal government. I urge the Senate to confirm Dr. Barthwell's nomination as soon as possible. Her contributions will be invaluable as the White House implements the President's addiction treatment expansion initiative, one which could go a long way to help our country effectively deal with the serious domestic drug addiction problem that it faces.

#### DEFENSE AUTHORIZATION

Mr. THOMAS. Mr. President, I rise to commend the fiscal year 2002 Defense authorization conferees, particularly Senator LEVIN and Senator WARNER, for retaining the language adopted by the Senate with regard to reforming the Federal Prison Industries.

During consideration of the Defense authorization bill, the Senate voted 74-24 to table an amendment that would have removed the Federal Prison Industries reform provision from the bill.

Section 821 of the bill, which has now been endorsed by the conference and adopted overwhelmingly by both the House and the Senate, ends FPI's "mandatory source" status as a supplier of products to the Department of Defense, DOD. When this bill becomes law, FPI will be required to compete for future Department of Defense contracts that have been previously monopolized under FPI's "mandatory source" status dating back to 1934. Most importantly, this provision will enable the Department of Defense to determine, for itself, whether the FPI can best meet the Department's needs in terms of price, quality, and time of delivery. If the DOD determines that the FPI product is not the best one available, the Department can purchase a more competitive product to meet its needs.

I would like to point out that by eliminating the Federal Prison Industries' mandatory source status, this reform affects another controversial marketing scheme that the FPI developed in recent years. As a result of this bill, the FPI will no longer be able to require Defense contractors to use their products. Let me give an example of what this means: when the Naval Facilities Engineering Command, NAVFAC, the Corps of Engineers, Air Force, or any other Defense agency issues a contract for architect-engineer, A/E, services, the A/E firm cannot be forced to specify FPI products, such as office furniture systems, in its designs and specifications. It is my view that architects and engineers should be free to specify products, such as modular office systems, interior design, and other products, that provide the highest quality design, best value, and greatest functionality to the Federal Government. Should the FPI continue to mandate that subcontractors use FPI products it would be in direct con-

flict with the underlying provisions of the Defense authorization language—in effect circumventing congressional intent.

Mr. President, I also want my colleagues to know that there are still a number of issues related to the practices of the Federal Prison Industries that Congress must address in the near future. Senator LEVIN and I have introduced a broader initiative—S. 1295—that seeks to make a number of needed, government-wide reforms affecting the sales and services by FPI. We are also working with the bipartisan team of Representatives HOEKSTRA, FRANK, COLLINS, MALONEY, and SENSENBRENNER of their companion bill, H.R. 1577. It is my hope that when we return in January, Congress will take up comprehensive Federal Prison Industry reform. It is also my strong desire that the Bush administration address this issue administratively. Many of the problems we are experiencing with the FPI have not been the result of legislative action, but rather administrative expansion. I look forward to working with Senator LEVIN and Senator WARNER in oversight of the implementation of this provision in the Defense Department's acquisition regulations.

I have a long record of interest in the issue of unfair government competition with the private sector. When the government needs commercially available products and services, the government should go to the competitive, private sector market to procure those services. Such full and open competition leads to the highest quality, the most fair and reasonable price, and the overall best value for the taxpayer. I am pleased the Congress is taking another step in that direction by enacting the FPI reforms in this bill. Once again, I commend Senator LEVIN and Senator WARNER for their leadership, and I thank them for the cooperation they have extended to me in this matter.

#### THE PACIFIC SALMON RECOVERY ACT

Mr. CRAIG. Mr. President, Senator BOXER introduced last Thursday, December 13, 2001, the Pacific Salmon Recovery Act that will grant Federal funding for State and Tribal salmon recovery efforts in California, Idaho, Oregon, Washington, and Alaska. I would like to thank her and her staff for their hard work and for Senator BOXER's determination to have a bipartisan bill on salmon recovery. I also would like to thank my colleague from Idaho, Senator CRAPO, Senators SMITH and WYDEN from Oregon, and Senator FEINSTEIN from California, for their valuable input that clearly helped to create responsible and effective bipartisan legislation to recover salmon. I enjoyed working with all of them and their staff.

For over 20 years, California, Idaho, Oregon, Washington, and Alaska, have attempted mightily to sustain salmon runs in river basins throughout the

West and, along with the Federal Government, have invested billions of dollars in that effort.

Many individual citizens in my State of Idaho and some special interest groups from around the country have quite frequently criticized justly the expenditures of these large sums of money for salmon recovery. The criticism often pointed to poor coordination among State, Federal, and Tribal fish and wildlife agencies, as well as to ineffective recovery programs developed either by those agencies or under their supervision.

The Pacific Salmon Recovery Act, S. 1825, takes aim at these infirmities and establishes a framework that will ensure better coordination and more effective recovery programs. I am convinced that we'll get better "bang for the buck" if this bill is enacted.

However, salmon recovery is complex. Recent scientific research has underscored the difficulty in finding quick solutions to salmon recovery. Scientists have been candid in stating unequivocally that there is no "silver bullet" that can cure what is causing diminishing salmon returns. The focus on dam removal during the last several years has retarded progress in recovering salmon. The majority of a salmon's life cycle is spent in the ocean. It is there that the salmon nourishes itself and prepares for the arduous journey back to spawning areas. What is becoming increasingly clear from new ocean research is that warm ocean temperature is causing a severe reduction in the ocean's salmon carrying capacity. More research in this area will provide helpful insight as to what can be done to adjust to that devastating fact. The recent change to colder Pacific Ocean temperatures is widely credited for the record salmon returns that the Pacific Northwest has experienced this year. It is my hope that a more open dialogue on ways to approach salmon recovery will ensure continued progress on effective measures that will both recover these fish and protect the economy of the West. It is my belief that this bill will enhance the prospect of achieving that goal.

There are many good provisions in this bill. For example, it authorizes \$350 million a year over the next five years to be spent on salmon recovery, a sizable amount that I hope will be appropriated by Congress each of those years. But I would like to highlight the peer review provisions in particular. Those provisions require each State or Tribal science based recovery activity to undergo scientific peer review before that activity will be funded with Federal money. It is modeled on the very successful peer review requirement contained in the Northwest Power Act for State and Tribal salmon recovery programs that get Pacific Northwest ratepayer money.

Ensuring accountability for large expenditures of taxpayer money is essential to keep the trust of the American taxpayer.



The American taxpayers are entitled to a fair accounting and an objective review of the underlying science that supports many of the very expensive recovery plans, particularly the salmon supplementation and habitat restoration programs, that will be developed by the States and participating Tribes.

The peer review requirement in this bill will provide the reasonable assurances of competency for those expensive programs that the taxpayer deserves.

Again, I thank my colleagues from Idaho, California, and Oregon for their strong support and commitment to include Idaho in the quest to achieve successful salmon recovery in the West and for their tireless efforts over the last several months to draft the appropriate legislative framework in which to accomplish the complex task of recovering those marvelous and important fish.

#### TOP GOVERNMENT ETHICS AWARD

Mr. ROCKFELLER. Mr. President, today I am proud to highlight the recognition given to the Department of Veterans Affairs for the outstanding job they have done and the recognition they are receiving for their employee ethics programs.

The Office of Government Ethics has announced that VA's Office of General Counsel received their Outstanding Ethics Program Award. The award was presented on December 13 by Amy Comstock, the director of the ethics office.

VA has the largest centralized ethics program in the Federal Government and is the second largest Federal department with 219,000 employees scattered nationwide and hundreds of facilities. Ethics issues are administered through the Office of General Counsel, both in VA's central office and through its 23 regional counsel office, who review financial disclosure reports and conduct annual ethics training. These efforts are supported by human resources staff.

In addition, VA's ethics issues are particularly complex. VA's mission is so broad and many of its employees have outside activities. For example, many VA physicians are also on faculty at affiliated universities and conduct outside research.

It is critical that our Federal agencies live up to the expectations of the Americans people, particularly of the nation's veterans whom we serve. This award demonstrates how a centralized and proactive approach can yield tremendous results. I am pleased to see VA's efforts being recognized.

#### ADDITIONAL STATEMENTS

REAR ADMIRAL (SELECT) PATRICK W. DUNNE, USN

• Mr. WARNER. Mr. President, I rise today to recognize and honor Captain

Patrick W. Dunne, United States Navy, as he departs the Navy's Office of Legislative Affairs and assumes command of U.S. Naval Forces in Guam. Captain Dunne is a Naval Officer of the finest caliber who has established an impeccable reputation in the Navy and with the Congress through his multiple tours as a Congressional Liaison.

A career submariner, Captain Dunne graduated from the United States Naval Academy in 1973. As a junior officer, he has served with distinction at sea, both in the fast attack submarines USS *Batish* and USS *Baton Rouge*, and the fleet ballistic missile submarine USS *Nathanael Greene*. In May 1985, Captain Dunne was selected as Naval Aide to President Reagan. In addition to his normal duties, he was responsible for the coordination of all military support for the Reykjavik Summit with President Gorbachev. Following this eventful tour, Captain Dunne assumed command of the attack submarine USS *Baltimore*, home ported in Norfolk, VA. During his command, *Baltimore* completed a deployment to the Mediterranean Sea and the operational evaluation of one of the Navy's newest submarine sonar systems.

Captain Dunne then began his first of three tours at the Navy's Office of Legislative Affairs as the Congressional Liaison Officer for Submarine Programs. Following this tour, Captain Dunne returned to sea, assuming command of the submarine tender USS *Frank Cable* home ported in Charleston, South Carolina. Under his command, *Frank Cable* was awarded the Meritorious Unit Commendation for its exceptional support of the submarines assigned to Submarine Squadron Four. Subsequent staff tours include serving as the Head, Plans and Programs for the Director, Submarine Warfare on the Chief of Naval Operations's staff, and his second tour in the Office of Legislative Affairs, this time as the Director of Naval Programs. Captain Dunne was next selected to serve as the Chief of Naval Operations' Special Assistant for Joint Matters and he then returned to the Office of Legislative Affairs for the third time as the Deputy Chief of Legislative Affairs.

The Department of the Navy, Congress, and the American people have been served well by this dedicated naval officer. Members of this Congress will not soon forget the leadership, service, and dedication of Captain Pat Dunne. He will be missed. We wish Pat, and his lovely wife Dianne, our very best as he continues his already distinguished career.●

#### BERNICE FOX

• Mr. DOMENICI. Mr. President, I rise to recognize a long-time New Mexican, Bernice Fox, who is retiring after an amazing record of service in the public and private sectors. Her work in these areas has spanned 63 years, a most remarkable achievement.

Bernice Fox, born in Bloomington, Illinois in 1920, has lived in New Mexico

for almost 40 years. In the private sector, she owned and operated motels and apartments, and she worked as a legal secretary for several New Mexican attorneys.

In 1993, instead of enjoying the retirement that most of us would be seeking at the age of 73, Bernice Fox began still another career in support of the Department of Energy at the Waste Isolation Pilot Plant in Carlsbad, New Mexico. She was present to witness the opening of that remarkable facility, the world's only permanent repository for transuranic radioactive wastes.

Now Bernice Fox is planning to retire from the Department of Energy at the end of this year. I salute her for her long service to the citizens of New Mexico and the nation. Whether her next career involves real retirement or still another challenge, I salute Bernice Fox on her long history of contributions.

Bernice Fox is being honored with her own special day by proclamation of the Governor of New Mexico. It is only fitting that Congress further honor her with this statement today.●

#### TRIBUTE TO GEORGE A. BANDOVERES

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to George Bandoveres of Rollinsford, NH, for being honored with World War II medals for acts of bravery. George, a veteran of the U.S. Army, served his country with honor during World War II.

I admire the many veterans who have served America with courage and devotion. My own father, a naval aviator, was killed in a World War II related incident days before my fourth birthday.

As a Vietnam veteran, I admire the heroism of George Bandoveres. The medals he so bravely earned while serving in the 103rd Infantry Division are a tribute to his service to our Nation.

George was active in World War II campaigns including: Sicily, Naples-Foggia, Rome-Arno, southern France, Rhineland, and Central Europe. For his services he received military medals including: Bronze Star Medal, Good Conduct Medal, World War II Victory Medal, American Campaign Medal, European-Middle Eastern Campaign Medal with bronze and silver service stars and a bronze service arrowhead, Combat Infantryman Badge and Honorable Service Lapel Button.

I was honored to help George secure the medals he acquired while serving in the U.S. Army during World War II. His courage and devotion to America are to be commended. It is truly an honor and a privilege to represent him in the U.S. Senate.●

#### TRIBUTE TO STEVEN P. BARBA

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Steve Barba of Dixville Notch, NH,

on being named as the Business and Industry Association Lifetime Achievement Award winner for 2001. The Business and Industry Association Lifetime Achievement Award recognizes business leaders who have demonstrated a commitment to leadership in their profession, local community and the State of New Hampshire.

Steve is the president and managing partner of the Balsams Grand Resort Hotel in Dixville Notch. Since 1971, he and his three partners have owned the operating company for the 15,000 acre resort and have restored it to its original greatness. The hotel is a four-star resort which is designated as one of the Historic Hotels of America by the National Trust for Historic Preservation.

He has been actively involved as a legendary leader in community, state and national programs and has served organizations including: director of boards for Citizens Bank-New Hampshire, New Hampshire Public Television, New Hampshire Charitable Foundation and Mary Hitchcock Memorial Hospital. Steve is also a selectman for the town of Dixville.

A graduate of Michigan State University, he holds a B.A. and also did a year of graduate study there in English and American literature.

Steve has served the citizens of New Hampshire with dedication and charity. I commend him for his success as a leader in the business community and for his countless contributions to the community at large in Dixville and the State. It is truly an honor and a privilege to represent him in the Senate.●

#### TRIBUTE TO SAUL GREENSPAN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Saul Greenspan of Manchester, NH, on being named as the Business and Industry Association of New Hampshire's Lifetime Achievement Award winner for 2001. The Business and Industry Association Lifetime Achievement Award recognizes business leaders who have demonstrated a commitment to leadership in their profession, local community and the State of New Hampshire.

Saul is the former owner and founder of the Waumbec Mills, Inc. in Manchester, NH. He is a former director of Merchants National Bank, First New Hampshire Banks and past-president of the Business and Industry Association.

He has been an active contributor to community programs in New Hampshire including: Manchester Community Chest, now known as the Greater Manchester United Way, Jewish Community Center, Temple Adath Yeshurun, Colby-Sawyer College, Northern Textile Association, Manchester Industrial Council and the Service Corps of Retired Executives. He also established and serves as the president of the Greenspan Foundation, a program which provides annual grants to the arts, higher education, youth services and religious organizations.

A graduate of Columbia College, he is married to Ethel DeHaan Greenspan. Saul and his wife have two daughters, Barbara Greenspan Jacobson and Jill Greenspan Schiffman.

Saul Greenspan has served the citizens of New Hampshire with dedication and charity. As a former small business owner, I commend him for his success as a leader in the business community and for his generosity to the charitable organizations of the State. It is truly an honor and a privilege to represent him in the Senate.●

#### TRIBUTE TO RALPH H. FRISELLA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ralph Frisella of Nashua, NH, for being honored with World War II medals for acts of bravery. Ralph, a veteran of the U.S. Army, served his country with honor during World War II.

I admire the many veterans who have served America with courage and devotion. My own father, a naval aviator, was killed in a World War II related incident days before my fourth birthday.

As a Vietnam veteran, I admire the heroism of Ralph Frisella. The medals he so bravely earned while serving in the 45th Army, 180th Division in Oran, Algeria, are a tribute to his service to our Nation. He remained with the 180th Division until the end of the war and later served as an MP in Germany.

Ralph was active in World War II campaigns including: Sicily, Naples-Foggia, Anzio, Rome-Arno, southern France, Rhineland, Ardennes-Alsace and Central Europe. He served 100 days of combat duty and received military medals including: Bronze Star Medal, Good Conduct Medal, American Campaign Medal, European-Middle Eastern Campaign Medal, WWII Victory Medal, Army of Occupation Medal with German Clasp, Combat Infantryman Badge and Honorable Service Lapel Button WWII.

I was honored to help Ralph secure the medals he acquired while serving in the U.S. Army during World War II. His courage and devotion to America are to be commended. It is truly an honor and a privilege to represent him in the Senate.●

#### TRIBUTE TO THE ROSEWOOD COUNTRY INN OF BRADFORD, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Innkeepers Dick and Lesley Marquis of the Rosewood Country Inn of Bradford, NH on being named as Inn of the Year for 2002 by The Complete Guide to Bed & Breakfasts, Inns & Guesthouses in the United States, Canada and Worldwide.

I applaud the Rosewood Country Inn of Bradford for also being voted as the Most Romantic Bed & Breakfast/Country Inn by readers of Arrington's Bed & Breakfast Journal receiving top honors among more than 750 completing inns.

The Inn is located on 12 hilltop acres in the town of Bradford in the Dartmouth/Lake Sunapee Region of New Hampshire. The Rosewood offers 11 guest suites and was recognized for its sunlit porches, inviting common rooms, fireplaces and whirlpool tubs. With its early Victorian style in a historic setting, the Inn offers visitors an atmosphere of warmth and relaxation.

The Inn was founded in 1896, and was originally known as Pleasant View Farm. In the early 1900s, famous celebrities including Jack London, Gloria Swanson, Mary Pickford, Charlie Chaplin and the Gish sisters were among visitors who signed the Inn's guest register.

In the past, innkeepers Dick and Lesley have won other honors for their property being selected as One of New Hampshire's Eight Most Romantic Inns by Chronicle Books and Inn of the Year by the State of New Hampshire.

As a former small business owner, I commend Dick and Lesley for their entrepreneurial excellence and success. The people of New Hampshire and the country continue to enjoy the superior ambiance and hospitality at the Rosewood Inn each year. I congratulate the Rosewood Country Inn of Bradford and Dick and Lesley for their notable achievements in the hospitality industry and wish them continued success in the future. It is truly an honor and a privilege to represent them in the Senate.●

#### TRIBUTE TO MSGR. JOHN MOLAN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Msgr. John Molan of Manchester, NH, for being awarded the Catholic Leadership Award from Saint Anselm College in Manchester, NH.

Msgr. Molan graduated from Saint Anselm College in Manchester and went on to study at Saint Mary's Seminary in Baltimore, MD, where he received a master's degree in social work. In his vocational career he has served many areas of the church including: director of Catholic Charities, pastor of several parishes, and vicar general of the diocese.

A veteran of World War II, he served as chaplain of the New Hampshire National Guard and was a member of the U.S. Army Reserve. As the son of a naval aviator who was killed in a World War II incident and a Vietnam veteran, I applaud Msgr. Molan's selfless dedication to America.

Msgr. Molan has served the citizens of New Hampshire with care and concern. I commend Msgr. Molan for being recognized for his outstanding service to the church and community and thank him for making a positive difference in the lives of so many of his brothers and sisters in the State. It is truly an honor and a privilege to represent him in the Senate.●

## MESSAGE FROM THE HOUSE

## ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on December 14, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 78. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolution was signed by the President pro tempore (Mr. BYRD) on December 14, 2001.

## MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1833. A bill to amend the Public Health Service Act with respect to qualified organ procurement organizations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1631: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to conduct a study to determine the resources that are needed for development of an effective nationwide communications system for emergency response personnel. (Rept. No. 107-127).

## ADDITIONAL COSPONSORS

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. HOLLINGS) 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. 1220

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

S. 1663

At the request of Mrs. CLINTON, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 1663, a bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Florida (Mr. GRAHAM), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1750

At the request of Mr. HOLLINGS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1750, a bill to make technical corrections to the HAZMAT provisions of the USA PATRIOT Act.

S. 1782

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1782, a bill to authorize the burial in Arlington National Cemetery of any former Reservist who died in the September 11, 2001, terrorist attacks and would have been eligible for burial in Arlington National Cemetery but for age at time of death.

S. 1819

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1819, a bill to provide that members of the Armed Forces performing services in the Republic of Korea shall be entitled to tax benefits in same manner as if such services were performed in a combat zone, and for other purposes.

S. RES. 182

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 182, a resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty.

S. CON. RES. 88

At the request of Mr. BIDEN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing solidarity with Israel in the fight against terrorism.

AMENDMENT NO. 2376

At the request of Mr. WARNER, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2376 proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2611. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table.

SA 2612. Mr. KENNEDY (for Mr. LIEBERMAN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill S. 1271, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

SA 2613. Mr. KENNEDY (for Mr. KERRY) proposed an amendment to the bill S. 1271, supra.

## TEXT OF AMENDMENTS

**SA 2611.** Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was ordered to lie on the table; as follows:

On page 941, line 4, strike the period at the end and insert the following:

**Subtitle C—Income Loss Assistance****SEC. 1021. INCOME LOSS ASSISTANCE.**

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall use \$1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses for the 2001 crop.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available

under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

#### SEC. 1022. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

#### SEC. 1023. COMMODITY PURCHASES.

(a) IN GENERAL.—The Secretary shall use \$220,000,000 of funds of the Commodity Credit Corporation to purchase agricultural commodities, especially agricultural commodities that have experienced low prices during the 2001 crop year, as determined by the Secretary.

(b) GEOGRAPHIC DIVERSITY.—The Secretary is encouraged to purchase agricultural commodities under this section in a manner that reflects the geographic diversity of agricultural production in the United States, particularly agricultural production in the Northeast and Mid-Atlantic States.

(c) OTHER PURCHASES.—The Secretary shall ensure that purchases of agricultural commodities under this section are in addition to purchases by the Secretary under any other law.

(d) TRANSPORTATION AND DISTRIBUTION COSTS.—The Secretary may use not more than \$20,000,000 of the funds made available under subsection (a) to provide assistance to States to cover costs incurred by the States in transporting and distributing agricultural commodities purchased under this section.

(e) PURCHASES FOR SCHOOL NUTRITION PROGRAMS.—The Secretary shall use not less than \$55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

#### SEC. 1024. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

#### SEC. 1025. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle \$50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

#### SEC. 1026. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

#### SEC. 1027. EMERGENCY DESIGNATION.

The entire amount made available by each of sections 1021 through 1023—

(1) shall be available only to the extent that the President submits to Congress an official budget request for the amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(2) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

**SA 2612.** Mr. KENNEDY (for Mr. LIEBERMAN (for himself and Mr. VOINOVICH)) proposed an amendment to the bill S. 1271, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

On page 13, line 23, strike “and”.

On page 14, line 3, strike the period and insert “; and”.

On page 14, insert between lines 3 and 4 the following:

“(5) examine the feasibility of measures to strengthen the dissemination of information.”

**SA 2613.** Mr. KENNEDY (for Mr. KERRY) proposed an amendment to the bill S. 1271, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

On page 11, line 9, strike “Director” and insert “head of each applicable department or agency (and in the case of paragraph (12) by the Director)”.

On page 14, line 7, insert “, including any minority views of the task force,” after “(c)”.

On page 14, line 8, strike “and”.

On page 14, line 12, insert “and Entrepreneurship” after “Business”.

On page 14, line 16, strike the period and insert “; and”.

On page 14, insert between lines 16 and 17 the following:

“(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).”

#### PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Patrick Rooney, a fellow in my office, be granted the privilege of the floor.

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

#### TO AMEND CHAPTER 90 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL LONG-TERM CARE INSURANCE

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2559, Calendar No. 235.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2559) to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. KENNEDY. I ask consent the bill be read the third time, passed, the motion to reconsider be laid upon the table, all with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 2559) was read the third time and passed.

#### SMALL BUSINESS PAPERWORK ACT OF 2001

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 234, S. 1271.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1271) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Small Business Paperwork Relief Act of 2001”.*

#### SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”), is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(6) publish in the Federal Register and make available on the Internet (in consultation with

the Small Business Administration) on an annual basis a list of the compliance assistance resources available to small businesses, with the first such publication occurring not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001.”.

(b) **ESTABLISHMENT OF AGENCY POINT OF CONTACT.**—Section 3506 of title 44, United States Code, is amended by adding at the end the following:

“(i)(1) In addition to the requirements described in subsection (c), each agency described under paragraph (2) shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)). Each such point of contact shall be established not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001.

“(2) An agency described under this paragraph is—

“(A) any agency with a head that is listed at a level 1 position on the Executive Schedule under section 5312 of title 5; and

“(B) the Federal Communications Commission, the Securities and Exchange Commission, and the Environmental Protection Agency.”.

(c) **ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.**—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking “; and” and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(4) in addition to the requirements of this chapter regarding the reduction of information collection burdens for small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), make efforts to—

“(A) further reduce the information collection burden for small business concerns with fewer than 25 employees; and

“(B) eliminate any unnecessary paperwork burdens.”.

**SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION COLLECTION AND DISSEMINATION.**

(a) **IN GENERAL.**—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating section 3520 as section 3521; and

(2) by inserting after section 3519 the following:

**“§3520. Establishment of task force on information collection and dissemination**

“(a) There is established a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information (in this section referred to as the ‘task force’).

“(b) The members of the task force shall be appointed by the Director, and include—

“(1) not less than 2 representatives of the Department of Labor, including 1 representative of the Bureau of Labor Statistics and 1 representative of the Occupational Safety and Health Administration;

“(2) not less than 1 representative of the Environmental Protection Agency;

“(3) not less than 1 representative of the Department of Transportation;

“(4) not less than 1 representative of the Office of Advocacy of the Small Business Administration;

“(5) not less than 1 representative of the Internal Revenue Service;

“(6) not less than 2 representatives of the Department of Health and Human Services, including 1 representative of the Health Care Financing Administration;

“(7) not less than 1 representative of the Department of Agriculture;

“(8) not less than 1 representative of the Department of Interior;

“(9) not less than 1 representative of the General Services Administration;

“(10) not less than 1 representative of each of 2 agencies not represented by representatives described under paragraphs (1) through (9) and (11);

“(11) 1 representative of the Director, who shall convene and chair the task force; and

“(12) not less than 3 representatives of the small business community.

“(c) The task force shall—

“(1) recommend a plan for the development of an interactive Government application, available through the Internet, to allow each small business to better understand which Federal requirements regarding collection of information (and, when possible, which other Federal regulatory requirements) apply to that particular business;

“(2) identify ways to integrate the collection of information across Federal agencies and programs and examine the feasibility of requiring each agency to consolidate requirements regarding collections of information with respect to small business concerns, within and across agencies without negatively impacting the effectiveness of underlying laws and regulations regarding such collections of information, in order that each small business concern may submit all information required by the agency—

“(A) to 1 point of contact in the agency; and

“(B) in a single format, such as a single electronic reporting system, with respect to the agency;

“(3) examine the feasibility and helpfulness to small businesses of the Director publishing a list of the collections of information applicable to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), organized—

“(A) by North American Industrial Classification System code;

“(B) industrial/sector description; or

“(C) in another manner by which small business concerns can more easily identify requirements with which those small business concerns are expected to comply; and

“(4) examine the savings, including cost savings, for implementing a system of electronic paperwork submissions.

“(d) Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001, the task force shall submit a report of its findings under subsection (c) to—

“(1) the Director; and

“(2) the chairpersons and ranking minority members of—

“(A) the Committee on Governmental Affairs and the Committee on Small Business of the Senate; and

“(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives.

“(e) In this section, the term ‘small business concern’ has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3520 and inserting the following:

“3520. Establishment of task force on information collection and dissemination.  
3521. Authorization of appropriations.”.

**SEC. 4. REGULATORY ENFORCEMENT REFORMS.**

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (c) and inserting:

“(c) **REPORTS.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001, and not later than every 2 years thereafter, each agency shall submit a report to the Director of the Office of

Management and Budget and the chairpersons and ranking minority members of the Committee on Governmental Affairs and the Committee on Small Business of the Senate, and the Committee on the Judiciary and the Committee on Small Business of the House of Representatives, that includes information with respect to the applicable 1-year period or 2-year period covered by the report on each of the following:

“(A) The number of enforcement actions in which a civil penalty is assessed.

“(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

“(C) The number of enforcement actions described under subparagraphs (A) and (B) in which the civil penalty is reduced or waived.

“(D) The total monetary amount of the reductions or waivers referred to under subparagraph (C).

“(2) **DEFINITIONS IN REPORTS.**—Each report under paragraph (1) shall include definitions of the terms ‘enforcement actions’, ‘reduction or waiver’, and ‘small entity’ as used in the report.”.

Amend the title so as to read: “A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.”.

Mr. KENNEDY. Senator LIEBERMAN and Senator KERRY each have an amendment at the desk, and I ask unanimous consent that each amendment be considered and agreed to and the motion to reconsider be laid upon the table en bloc.

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

The amendments (Nos. 2612 and 2613), en bloc, were agreed to, as follows:

**AMENDMENT NO. 2612**

(Purpose: To provide for the task force to examine the feasibility of measures to strengthen the dissemination of information)

On page 13, line 23, strike, “and”.

On page 14, line 3, strike the period and insert “; and”.

On page 14, insert between lines 3 and 4 the following:

“(b) examine the feasibility of measures to strengthen the dissemination of information.”

**AMENDMENT NO. 2613**

(Purpose: To modify the appointment of members of the task force, and for other purposes)

On page 11, line 9, strike “Director” and insert “head of each applicable department or agency (and in the case of paragraph (12) by the Director)”.

On page 14, line 7, insert “, including any minority views of the task force,” after “(c)”.

On page 14, line 8, strike “and”.

On page 14, line 12, insert “and Entrepreneurship” after “Business”.

On page 14, line 16, strike the period and insert “; and”.

On page 14, insert between lines 16 and 17 the following:

“(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).”

Mr. VOINOVICH. Mr. President, I am pleased that today the Senate will pass S. 1271, the Small Business Paperwork Relief Act of 2001.

As my colleagues know, small businesses are the backbone of our economy and significantly important to the fiscal health of the United States. Small businesses constitute more than 90 percent of this Nation's employers, employ 53 percent of the private workforce, and create approximately 74 percent of this country's new jobs.

While on the whole, America's small business owners are successful, the numerous Federal paperwork requirements that they must face has, I believe, have had a negative impact on further entrepreneurial growth in the United States. There is little doubt that America's small business owners could be even more successful if they were able to devote more time and resources to their businesses instead of mountains of Federal paperwork. That is why I introduced S. 1271. This "good government" legislation continues the efforts on the part of Congress to streamline and reduce paperwork burdens on small businesses and help increase the productivity of American business.

The Office of Management and Budget—OMB—has estimated that the Federal paperwork burden is 7.2 billion hours annually, at a cost of some \$190 billion per year. Small business owners are particularly hurt by regulatory and paperwork burdens. The Small Business Administration—SBA—estimates that the costs to small businesses are a staggering \$5,100 per employee. While many of these requirements are important and necessary, the high costs of understanding them and complying with them can sometimes prevent small businesses from being able to expand or even stay afloat. In some cases, this burden can deter entrepreneurs from opening in the first place.

The Small Business Paperwork Relief Act of 2001 will help improve the ability of small business owners to understand and comply with Federal regulations and paperwork mandates through the following helpful provisions:

A requirement for OMB to annually publish in the Federal Register and on the Internet a list of the compliance assistance resources available to small businesses;

A requirement for each Federal agency to establish a single point of contact to help small business owners fill out forms and comply with federal regulations;

A requirement for each federal agency to make further efforts to reduce paperwork for small businesses with fewer than 25 employees;

The establishment of an interagency task force to develop an interactive government web-site to help each small business owner understand which federal paperwork requirements and regulations apply to his or her business;

An amendment to the Small Business Regulatory Enforcement Fairness Act—SBREFA—to require that each agency maintain information on the number of enforcement actions in

which civil penalties are assessed, the number of such actions against small entities, the number of such actions in which civil penalties are reduced or waived, and the monetary amount of each reduction or waiver.

As the bill was introduced just this past July, I am pleased that the Senate has taken action in considering this important legislation, and I am also pleased that the bill enjoys bipartisan support. I would particularly like to thank Senator BLANCHE LINCOLN for joining me in introducing this bill, and I thank the co-sponsors of S. 1271, Senators BOND, LEAHY, JEFFORDS, CONRAD, MILLER, LIEBERMAN, CARPER, CLELAND, BUNNING, THOMPSON, COLLINS, DAYTON, and KERRY for their strong support.

I also thank the many business groups who have helped us craft a solid bill with their suggestions and those who have lent their support to this legislation, particularly: the National Federation of Independent Businesses; the U.S. Chamber of Commerce; the American Farm Bureau Federation; the Cleveland Growth Association; the Associated Builders and Contractors; the National Association of Convenience Stores; the American Feed Industry Association; the National Association of Manufacturers; the National Tooling and Machining Association; National Small Business United; the National Restaurant Association; the National Pest Management Association; the Academy of General Dentistry; the American Road and Transportation Builders Association; the Small Business Coalition for Regulatory Relief; the Small Business Legislative Council; the Small Business Survival Committee; the Agricultural Retailers Association; the Associated General Contractors; the Automotive Parts and Service Alliance; the Food Marketing Institute; the National Automobile Dealers Association; the National Business Association; the National Roofing Contractors Association; the Society of American Florists, and the North American Equipment Dealers Association.

Further, I thank public interest groups such as OMB Watch for their valuable input. I also thank the administration for their support of this bill and for the valuable input of OMB in helping to make this bill more effective in helping our nation's small business owners. And since the House of Representatives passed a similar version of S. 1271 this past March, I hope that we will have a final bill for the President's signature very soon.

Once again, I am pleased that the Senate has acted to provide relief to small business owners. This bill will help save time and money and will allow small business owners the ability to better understand and comply with Federal regulations and paperwork requirements. It is good for the country and good for our economy and I thank my colleagues for their support in passing this bill today.

Mr. KERRY. Mr. President, I speak today in support of Senator

VOINOVICH's legislation, the Small Business Paperwork Relief Act of 2001, as well as my amendment to improve the legislation for the benefit on America's small businesses.

While legislation such as the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act have made great strides in helping to ease the regulatory burden on our small businesses, more work remains to be done.

In the report prepared by the Small Business Administration's Office of Advocacy on the recommendations of the White House Conference on Small Business in 1995, the Office of Advocacy stated that.

Federal, state and local governments impose numerous requirements on the operation of businesses. The burdens associated with these requirements are often exacerbated by substantial paperwork and record-keeping requirements. In addition to the cost and administrative burdens, small and growing businesses have difficulty simply keeping abreast of the various regulatory and paperwork requirements.

Six years later, this statement is still true.

While I support the Small Business Paperwork Relief Act, I think it is important to point out that I objected to an original request to pass this legislation by unanimous consent because the Committee on Small Business and Entrepreneurship, which I chair, has jurisdiction over some of the issues included in this legislation. Additionally, the expertise of the Committee on issues of importance to small businesses can only serve to enhance any legislation designed to help our Nation's small businesses. That being said, Senator VOINOVICH and I have addressed my questions about the legislation and agreed to an amendment. I believe the bill is better because of our work.

The legislation originally called for the Director of the Office of Management and Budget to appoint members to the "Task Force" created in the legislation from the various agencies listed in the bill. Although I had no objection to the Task Force being led by the OMB Director, I did have reservations about the OMB Director selecting the participants, a function that should be vested with each agency head. The amendment makes this change.

Additionally, my amendment has a provision stating that in any report issued by the Task Force, minority views must be included. This provision has been added as a result of my consultations with SBA's Office of Advocacy, who were concerned that reports issued on small business issues may not reflect the views of small business advocates. By allowing minority opinions, any report issued by the Task Force will at the very least contain concerns raised by the small business community.

My amendment also adds the National Ombudsman to the list of recipients bi-annual reporting on the number of enforcement actions taken by agencies. The National Ombudsman, located



at the SBA, serves as a confidential resource to field complaints and comments from small businesses about the regulatory process and actions taken by regulatory agencies. Additionally, the National Ombudsman rates Federal regulatory agencies on their treatment of small businesses and issues a report card. Therefore, I felt it appropriate that agency information regarding regulatory enforcement be shared with the National Ombudsman.

Finally, my amendment makes a technical change in the legislation to reflect the name change of the Senate Committee on Small Business to the Committee on Small Business and Entrepreneurship, which occurred on June 29th of this year.

I believe the changes my amendment makes will provide additional support for our small businesses suffering from paperwork burdens, and I ask my colleagues to support the amendment and the underlying legislation.

Mr. KENNEDY. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time, passed, and the motion to reconsider be laid upon the table, and any statements relating thereto be placed in the RECORD. The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1271), as amended, was read the third time and passed, as follows:

S. 1271

*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 "Small Business Paperwork Relief Act of 2001".

#### SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) publish in the Federal Register and make available on the Internet (in consultation with the Small Business Administration) on an annual basis a list of the compliance assistance resources available to small businesses, with the first such publication occurring not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001."

(b) ESTABLISHMENT OF AGENCY POINT OF CONTACT.—Section 3506 of title 44, United States Code, is amended by adding at the end the following:

"(i)(1) In addition to the requirements described in subsection (c), each agency described under paragraph (2) shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)). Each such point of contact shall be established not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001.

"(2) An agency described under this paragraph is—

"(A) any agency with a head that is listed at a level I position on the Executive Schedule under section 5312 of title 5; and

"(B) the Federal Communications Commission, the Securities and Exchange Commission, and the Environmental Protection Agency."

(c) ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking "; and" and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) in addition to the requirements of this chapter regarding the reduction of information collection burdens for small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), make efforts to—

"(A) further reduce the information collection burden for small business concerns with fewer than 25 employees; and

"(B) eliminate any unnecessary paperwork burdens."

#### SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION COLLECTION AND DISSEMINATION.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating section 3520 as section 3521; and

(2) by inserting after section 3519 the following:

##### "§ 3520. Establishment of task force on information collection and dissemination

"(a) There is established a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information (in this section referred to as the 'task force').

"(b) The members of the task force shall be appointed by the head of each applicable department or agency (and in the case of paragraph (12) by the Director), and include—

"(1) not less than 2 representatives of the Department of Labor, including 1 representative of the Bureau of Labor Statistics and 1 representative of the Occupational Safety and Health Administration;

"(2) not less than 1 representative of the Environmental Protection Agency;

"(3) not less than 1 representative of the Department of Transportation;

"(4) not less than 1 representative of the Office of Advocacy of the Small Business Administration;

"(5) not less than 1 representative of the Internal Revenue Service;

"(6) not less than 2 representatives of the Department of Health and Human Services, including 1 representative of the Health Care Financing Administration;

"(7) not less than 1 representative of the Department of Agriculture;

"(8) not less than 1 representative of the Department of Interior;

"(9) not less than 1 representative of the General Services Administration;

"(10) not less than 1 representative of each of 2 agencies not represented by representatives described under paragraphs (1) through (9) and (11);

"(11) 1 representative of the Director, who shall convene and chair the task force; and

"(12) not less than 3 representatives of the small business community.

"(c) The task force shall—

"(1) recommend a plan for the development of an interactive Government application, available through the Internet, to allow each

small business to better understand which Federal requirements regarding collection of information (and, when possible, which other Federal regulatory requirements) apply to that particular business;

"(2) identify ways to integrate the collection of information across Federal agencies and programs and examine the feasibility of requiring each agency to consolidate requirements regarding collections of information with respect to small business concerns, within and across agencies without negatively impacting the effectiveness of underlying laws and regulations regarding such collections of information, in order that each small business concern may submit all information required by the agency—

"(A) to 1 point of contact in the agency; and

"(B) in a single format, such as a single electronic reporting system, with respect to the agency;

"(3) examine the feasibility and helpfulness to small businesses of the Director publishing a list of the collections of information applicable to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), organized—

"(A) by North American Industrial Classification System code;

"(B) industrial/sector description; or

"(C) in another manner by which small business concerns can more easily identify requirements with which those small business concerns are expected to comply;

"(4) examine the savings, including cost savings, for implementing a system of electronic paperwork submissions; and

"(5) examine the feasibility of measures to strengthen the dissemination of information.

"(d) Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001, the task force shall submit a report of its findings under subsection (c), including any minority views of the task force, to—

"(1) the Director;

"(2) the chairpersons and ranking minority members of—

"(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

"(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

"(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

"(e) In this section, the term 'small business concern' has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3520 and inserting the following:

"3520. Establishment of task force on information collection and dissemination.

"3521. Authorization of appropriations."

#### SEC. 4. REGULATORY ENFORCEMENT REFORMS.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (c) and inserting:

"(c) REPORTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2001, and not later than every 2 years thereafter, each agency shall submit a report to the Director of the Office of Management and Budget and the chairpersons and ranking minority members of the Committee on Governmental Affairs and the Committee on Small Business

of the Senate, and the Committee on the Judiciary and the Committee on Small Business of the House of Representatives, that includes information with respect to the applicable 1-year period or 2-year period covered by the report on each of the following:

“(A) The number of enforcement actions in which a civil penalty is assessed.

“(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

“(C) The number of enforcement actions described under subparagraphs (A) and (B) in which the civil penalty is reduced or waived.

“(D) The total monetary amount of the reductions or waivers referred to under subparagraph (C).

“(2) DEFINITIONS IN REPORTS.—Each report under paragraph (1) shall include definitions of the terms ‘enforcement actions’, ‘reduction or waiver’, and ‘small entity’ as used in the report.”.

---

NATIONAL MUSEUM OF AFRICAN  
AMERICAN HISTORY AND CUL-  
TURE PLAN FOR ACTION PRESI-  
DENTIAL COMMISSION ACT OF  
2001

Mr. KENNEDY. I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3442.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3442) to establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C., and for other purposes.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. KENNEDY. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3442) was read the third time and passed.

---

ORDERS FOR TUESDAY,  
DECEMBER 18, 2001

Mr. KENNEDY. I ask unanimous consent that when the Senate completes its business today, it adjourn until the

hour of 9:30 a.m., Tuesday, December 18; that 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 the conference report to accompany H.R. 1; that the vote on adoption of the ESEA conference report originally scheduled for 11 a.m. occur at 12 noon, with the additional 60 minutes of debate equally divided between the chairman and ranking member of the HELP Committee.

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

---

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. KENNEDY. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:46 p.m., adjourned until Tuesday, December 18, 2001, at 9:30 a.m.