



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, MONDAY, APRIL 30, 2001

No. 56

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 1, 2001, at 12:30.

Senate

MONDAY, APRIL 30, 2001

The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. The prayer will be offered by the guest Chaplain, Rev. Richard Foth, Falls Church, VA.

PRAYER

The guest Chaplain, Rev. Richard Foth, offered the following prayer:

We stand in Your presence today, Almighty God, in awe of Your creation. No season reflects Your heart like springtime, with its songbirds and cherry blossoms, old memories and young love. Just outside this building, all nature shouts Your glory, Your grace, and Your creative power.

But, we need Your grace and creativity here, too, in this Chamber. For, in the lives of 100 Senators, we see men and women with whom we have something in common. Though elected to govern us, many grapple as we do in balancing work with family. They have spouses and children and grandchildren whom they love and dream for. On this spring afternoon, we ask Your blessings on the families of these public servants. Give them perspective and patience and protection. Where pain is real or frustration mounts, wrap them in Your arms, we pray, and hold them with a grip like all eternity.

As for the business of this week, we ask wisdom. Debate will be intense about money and programs. Differences will show up quickly and good thinkers will speak strong words in strong ways. Give our chosen leaders grace to bring more light than heat to the Senate

floor in the next 4 days and, in so doing, to move us ahead as a nation.

In the springtime of 2001, let the actions of this body help us to know one more time that we really are "one Nation under God, indivisible, with liberty and justice for all."

We ask these things in that name which is above every name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 2001.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING 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 3 p.m., with Senators permitted to speak therein for up to 10 minutes.

Under the previous order, the time until 2:30 p.m. shall be under the control of the Senator from Illinois or his designee.

The Senator from Nevada.

CONSIDERATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. REID. Mr. President, this week we are going to take up one of the most important pieces of legislation that will occur this entire Congress—not this year, not next year, but the entire Congress. That is the Elementary and Secondary Education Act—extremely important.

In the last Congress, we did not complete it. We were refused the opportunity to debate and amend this legislation—we, the Democrats, in the minority. Things have changed now. The Senate is divided 50–50. The time has come that we work together on this and all legislation.

Last week, we did some very important work. We only had one vote last

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



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week, but it was an extremely important vote. It was on brownfields legislation, legislation that will allow people all over the State of Nevada and all over the State of Minnesota to clean up spots that are lightly polluted. They are not Superfund sites, but they are sites that right now people are afraid to go onto and develop a shopping center or a park, the reason being, if they go upon the land, there will be a liability under the Superfund legislation. So the brownfields legislation, which passed last week 99-0, will allow these approximately 600,000 sites all over America to be cleaned up. It will create over half a million jobs. It will create tax revenues for local governments of about \$2.5 billion. It is important legislation. It is not the number of votes we have; it is what we do with them.

There is presently pending before the Senate a cloture vote. We are scheduled to take that tomorrow morning. I hope that will be vitiated, that we can just go to consideration of the bill.

There have been negotiations on this bill that continued even during the weekend. Staff and members of the committee worked very hard to come up with something on which we can all agree. There has been, as I understand it, general agreement on the substance of the bill. And that is important.

So I repeat, I hope we will be able to vitiate the cloture vote scheduled tomorrow. The cloture vote is not only unnecessary; it is unproductive. It is counterproductive. All the parties have been working in good faith in a bipartisan manner to work out the differences, just as we did with the brownfields legislation.

When this bill was reported out of committee, there were some problems with it. It passed 15-3, but there were still some minor problems. Even though we had an overwhelming majority when it came out of the committee, we said to those people who had some concerns, let's try to work them out; and we did. That is why the bill passed 99-0. The same can happen with this education legislation. People worked in good faith, in a bipartisan manner. Let's try to copy what happened in brownfields legislation.

There are two key areas in this legislation. The language differences I understand are pretty well resolved. There are some funding differences, and they have not been resolved. But I think we should do it the American way, the way we have been doing it in this country for over 200 years. Let's bring this bill to this body, and then we will have votes as to what we should do for the children of America as it relates to education.

It would be most unfortunate to not turn to the bill. It seems to me it is wrong not to work on this legislation, debate it, however it needs to be debated. We need to work out the policy differences. It is my understanding that that has pretty well been done.

As I indicated, when this bill was last worked on, we did not complete the

legislation. That was unfortunate. We cannot repeat the mistake that was made in the last Congress. As I have indicated, this is potentially the most significant legislation this Congress will consider. It has the potential to be a landmark act that will greatly improve our Nation's educational system.

No one—not Democrats, Republicans, or this administration—disagrees about the need for educational reform. The question is, How are we going to do it? Our schools are desperate for reform.

Just take the State of Nevada as an example. In one school district, which is the sixth largest school district in America—the Clark County School District—we have to build one new school every month to keep up with growth. Twelve new schools a year just barely makes it. We need some help. We not only need help in building and renovating schools in Nevada—as I indicated, we are building new schools—but around America the average school is almost 50 years old. We need to renovate those schools.

In some of the schools we talk about high tech and digital divide, and you can't put this equipment in these old schools. So we need help with construction moneys. We need smaller classrooms and we need curriculum reform.

I am not one who runs from people saying, well, this is a local problem; Congress, stay out of it. Education is a national problem. I don't apologize to anybody in indicating that Nevada needs help with education. Take, for example, the schools in Nevada. They are no different than in Minnesota, the State of the Presiding Officer. In the State of Minnesota, we are educating students because of a Federal edict for disadvantaged children, those who are handicapped because of emotional problems, physical problems, mental problems. I am glad we are doing that; they deserve an education just as any other child. But in Minnesota, Nevada, and the other 48 States, it costs a lot of money to educate these children—about 40 cents to a dollar more for every child. But the Federal Government has not lived up to its responsibility. We are paying less than 10 cents—far less than that—and because of that, local school districts have to get this money from other programs.

In the State of Nevada, in the Clark County School District, which I have talked about, they are actually considering having children pay to play football or basketball. They are actually considering having children pay to play sports. A lot of people can't afford to pay to have their kids play football. But poor kids need character-building athletics just as much as do well-off kids. How can we say this isn't a national problem? If in the Clark County district the Federal Government fully funded the program for educating the handicapped, they would have this money, which is millions of dollars, to enrich these curriculum programs, to do some of the things we know need to be done.

It is time to carry out reform. But we can't build a Cadillac model and fund it with a Model-T budget. We need to make sure that if we are going to have reforms, the reforms are something other than just words. If we are going to do a lot of testing—and I think we do now, but some experts believe testing in certain areas is needed—and we are going to hold back certain children from progressing—I was in my office today with a nice looking little boy from Nevada. He is 9 years old. He is here with his grandfather. I said: How are you doing? You are a fine-looking young boy. What grade are you in?

He said: I am in the third grade, but I was held back.

I said: Don't you ever tell anybody that you were held back. There is nothing wrong with being held back.

Well, this is the point I am making. Holding children back makes them embarrassed. He had to blurt out to a Senator that he was held back. He talked well and he was fine looking, and I am sure he will do fine. Some children need to be held back, but we need curriculum changes so if they are held back, they have summer enrichment programs so when the new school year starts, they are right with their buddies, their friends, with the little girls in the neighborhood. We have to make sure if we are going to do all this testing, this curriculum advantage stuff, they have enough money to give school districts the resources to help these children, so if they are held back, it is only on a temporary basis.

I hope we all understand—and I know everyone does—how important the education issue is. We can't play around with it. This cannot be a political game for the Republicans or the Democrats. Wouldn't it be nice if we buckled down and said, OK, this is what needs to be done, and then do it. Then we would all walk out of here—Democrats and Republicans—and have a joint press conference for a change, have our arms around each other saying we have improved education for kids in Minnesota, in Nevada, and every place else.

To do this, we are going to have to get off this kick that you can do it on the cheap. If we are going to do education reform right, it is going to cost money. It is going to cost taxpayers money—me, the Presiding Officer, all of us.

As Robert Kennedy said in a speech to a bunch of doctors when he was telling them about the needs in health care reform, as he talked about some of the things that needed to be done in education, the first question he was asked was: Who is going to pay for this? He said: You are.

Well, Mr. President, that is how it works. If we are going to do the things that need to be done to take care of children in America, we are all going to have to pitch in and pay for it. It may mean that we are going to have a tax cut that is less than \$1.6 trillion. It may mean that over the 10-year period we are going to have to have a few billion that will go to education rather

than tax cuts. Approximately 50 percent of the taxpayers will get the advantage out of the Bush tax cut. The top 1 percent will get 40, 50 percent of the tax cut. I will bet you we could go to every one of those so-called rich people and there isn't a single one of them who would object to lowering their tax break a little bit to help the kids of America have a better education. There isn't a single one. If there are, they would be very few. People in America want kids to have a good education.

So I say let's forget about the cloture vote, stop the posturing, and let's all join to reform education and pay for the reform. Let's not reform education and leave it without the resources to do so. Let's not have reform in name only. That would not help anyone.

We are very close to reaching agreement over the general principles that would serve as a foundation of this legislation. I hope the majority leader will vitiate the vote set for tomorrow, allow these issues to be resolved and just bring it to the floor, and we will start debating the issues. I expect that we can work this out without a lot of trouble. We could do it orderly. It would be a way to efficiently consider the bill.

So, again, I hope we realize that if there was ever an issue that calls for a bipartisan approach, it is educating the kids in our public school system. I am very favorably impressed that President Bush dropped his voucher proposal. He dropped it because it would not work. The money that was called for would only help rich people because, with the amount of money the poor student would get, they could not go to the private schools anyway. I appreciate the President backing off of that.

Now what we need to do is stop quibbling over a few dollars. I say a few dollars because when you compare the few billion dollars—less than \$10 billion—it would take to have a meeting of the minds on this bill to a \$1.6 trillion tax cut, it is really not much money. I hope we can do that. I think it would set such a great tone for this country. In every poll conducted in America, the No. 1 issue is education. Let's join together so we can say we improved education for the children of America. I think that would make a pretty good Congress and make us all happy and make the American people happy.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for 30 minutes as in morning business.

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

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of Majority Leader LOTT, I have the following announcement.

Today the Senate will be in a period for morning business until 3 p.m. Following morning business, I ask unanimous consent that the Senate resume consideration of the majority leader's motion to proceed to S. 1, the education reform bill.

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

Mr. DEWINE. Mr. President, again on behalf of Majority Leader LOTT, Senators are reminded that cloture was filed on the motion to proceed to the education bill last week. That vote will occur at 9:30 a.m. tomorrow. Following the vote, the Senate is expected to begin the 30 hours of postcloture debate. It is hoped that the debate time will not be necessary and that the Senate can begin action on that bill during Tuesday's session. Senators are further advised that they should be prepared for votes throughout the week.

Mr. REID. Will the Senator yield?

Mr. DEWINE. I certainly will yield.

Mr. REID. I stated before the distinguished Senator from Ohio arrived, I think there should be some consideration given to vitiating the cloture vote. I hope the Senator will transfer that information to the majority leader.

Mr. DEWINE. I will, indeed.

Mr. REID. We believe, on this side on the substantive issues, everybody is almost there. It appears the only difference we have is with the dollar numbers. The motion to proceed will be agreed to overwhelmingly anyway. It seems to me it will set the wrong tone for this important legislation if we have to go to it by a cloture motion having been filed.

Mr. DEWINE. I thank my colleague.

SAVING OUR SCHOOLS: EDUCATION REFORM IN AMERICA

Mr. DEWINE. Mr. President, the issue before us now, education reform in our elementary and secondary public schools, is certainly one of the most important issues facing our Nation. Education is something about which we all care passionately. I have a deep personal interest in education as a Ohioan and especially as a parent of eight children and also now the grandparent of six. I believe that a quality education for a child today is the key to that child's quality of life in the future. As parents and grandparents and citizens of our States and communities, we have an obligation to ensure that all children receive a solid education.

Failing to properly educate our children puts them at risk. As President John Kennedy once said: "A child miseducated is a child lost." That is a child lost to ignorance. A child lost to drugs, alcohol, or violence. A child lost to poverty and apathy.

As we debate reform of our schools, I believe it is vital that we look at exactly where we are as a society and how this is affecting our public education system. Our society, as I see it, is divided along economic and educational lines. This division is nothing new. Scholars and sociologists have been warning us for years that this is where our Nation was heading, particularly if we did not properly educate our children.

Unfortunately, we did not heed the warnings, and 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 poverty and little hope and little opportunity.

That is exactly what is happening in my home State of Ohio and, tragically, what is happening across our country. Ohio generally is a microcosm of what we see in the country. When we look at this growing gap, the development of the two Americas, what we see in Ohio is also what we see in our Nation.

In Ohio, growing income and educational disparities are creating our very own permanent underclass, especially in Ohio inner cities and in Appalachia.

What we see in Ohio, if I can take the Presiding Officer and Members of the Senate to Ohio, is something we see in many States. Most of Ohio is doing very well economically and doing well educationally. The children have a great future.

When we look across Ohio, we see two areas where that is not taking place, where the children are not being educated as well as we would like and where the income level shows that disparity. One place is in Appalachia. There are 20 or 25 counties in Ohio that are Appalachian counties. The other area is in our core cities. Call them the inner cities. Call them the core cities. Either way, this is where we face most of our challenges.

We cannot underestimate or understate this problem. It is a problem that is not unique to Ohio. Rather, it is a huge societal problem, which is pushing society farther and farther apart, not closer and closer together. It is a problem we must address.

How do we do that? How do we enable children in the underclass to rise above their circumstances, those circumstances which are beyond their control? How do we bring about equality and opportunity so each child has a chance to lead a full, meaningful, productive life as an adult?

I believe the best way we can get to these children before we lose them is through education. Horace Mann, a former president of Antioch College in Yellow Springs, OH—a community where my wife and I grew up—who is known as the father of public education, once said:

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

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, with the tools necessary to rise above individual situations of poverty and instability, individual situations of hopelessness and despair.

As my colleagues in the Senate know, today's educational system is not always meeting this goal. Do not get me wrong. I am not blaming the schools for all of society's ills. Rather, I am suggesting that we as a society are failing to use the power and the potential of our schools to the maximum extent to help give our children the futures they really deserve. No matter where a child lives, whether in Portsmouth, OH, or New York City, every one of the 1.8 million children in the Ohio public school system and every one of the nearly 47 million children in public schools nationwide, deserves the opportunity to learn and to become educated.

Let's face it; our schools have our children in their custody 7 or 8 hours a day, 5 days a week. That is not a lot of time, but it is time our schools and our country simply cannot afford to waste. A line from a 1970 song says "your dreams were your ticket out." For all too many children, children living in poverty and in broken homes, dreams alone are not enough. For those children, a dream and a solid education is their ticket out.

This is not a new concept. Historically, our schools have been the best opportunity for children to move out, to move up, to advance, to change their lives. Education has built our Nation. We are truly a nation of immigrants, immigrants who, because of public schools, escaped ignorance, illiteracy, and lives of poverty. A strong public education tradition in this country kept entire generations from being marginalized and left behind. For them, education was their ticket out—their ticket out of despair and toward opportunity.

When education is not working to give our kids the tools they need to move ahead in life, those children suffer. Many of them, for example, don't get their high school diplomas. Look at some of the class of 2000 graduation rates for my home State of Ohio; look at urban centers. In Akron, OH, 72 percent of the city's high school children graduated last year. That is actually a high rate for an urban area. In Toledo, only 67 percent graduated. In Columbus, it was only 62 percent; Youngstown, 59 percent; Dayton, 57 percent; Canton, 53 percent; Cincinnati, 51 percent; and in Cleveland, only 34 percent of the students who started high school actually finished.

Yes, that is right. Only one-third of the students in Cleveland, OH, graduated. Two-thirds did not.

Before anyone becomes too complacent or thinks maybe they don't have this problem in their States, let me remind the Members of the Senate that these statistics are not unusual nor only for the State of Ohio. They are typical of urban centers and urban areas. My guess is that if we look at the other major cities in this country we will find similar, disturbing statistics.

There is something wrong when we see statistics such as this. There is something wrong in Ohio and this country when that many children are not graduating. There is also something wrong in this country when nearly one-third of college freshman must take remedial courses before they can begin regular college level course work.

There is something wrong in this country when one-third of fourth graders cannot read. The National Assessment of Educational Progress tested 8,000, fourth graders across the country for reading skills and ranks them according to four levels of achievement: advanced, proficient, basic, and below basic. Tragically, 37 percent of those tested scored below basic. In other words, 37 percent of those children basically could not read. It gets even worse when you break the "below basic" group into categories. Sixty-three percent of African American fourth graders came into the category, 58 percent Hispanic, 47 percent of urban students, and 60 percent of poor children. All of them scored below basic, meaning they simply cannot read in the fourth grade.

I also wonder about another statistic. Nearly three out of four teenagers today attend a high school with an enrollment of more than 1,000 students. I repeat, three-fourths of teenagers today attend high schools with enrollments topping 1,000 students. I worry about that. I worry about students in such big schools where it is too easy, many times, to get lost. I think we need to look at that.

Where do we go from here? How do we go about changing our societal mindset and our perceptions and our negligence in this country? The first thing we need to do is recognize that the answers lie mainly in the hands of parents, in our local communities, among our local school boards, and among our State and local governments—not in Washington.

Nevertheless, Congress has a role to play, although a small one, in prioritizing or directing our limited Federal dollars where they can best help disadvantaged students in disadvantaged districts.

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—the teacher. When I think about teachers, I think about some-

thing else that Horace Mann once said: "Teaching is the most difficult of all arts and the most profound of all sciences."

I can certainly attest to that. As a college senior at Miami University in Oxford, OH, I spent 4½ months student teaching at Princeton High School, a high school north of the city of Cincinnati. That was tough work. Teaching is tough. Teaching was one of the hardest things I have ever done in my life. It was then I learned, firsthand for the first time, that Ohio and America's teachers don't get the respect, the admiration, nor the salaries they deserve. There is something wrong with that. There is something wrong with a system and a society that doesn't value the teaching profession as highly as other professions. Teachers, after all, shape lives. A good teacher has the power to fundamentally change the course of a child's life.

I am sure each one of us in the Senate can recall at least one great teacher who inspired us, who motivated us, who, yes, changed our lives. These teachers guided us then, and they continue to influence us today. I can recall some of my teachers. I can still hear my senior high school teacher, Mrs. Kappell. Whenever I write a letter or whenever I try to compose a speech, I can hear her talking to me, telling me what to do, and many times, what not to do.

I can hear my junior high school teacher in American history, Mr. Wingard, now Dr. Wingard, as he talked about that great American story of American history.

Teachers do change our lives, Mr. President. They do make a difference. As a parent, I also know how important it is for children to have good teachers, for our children to enjoy being in the classroom and to look forward to going to school each day. When they don't have quality teachers, our children suffer for a whole year.

I am sure other parents have this experience: There is nothing better than to find out that your child has a great teacher; to listen to that child, when that child comes home from school, talk about what the teacher said; to hear the excitement a teacher can inspire about a particular subject, whether it is science or American government or American history or literature. There is nothing more important for a child, other than parents, than to have a good teacher.

I have also had the experience, not often but it is an experience most of us have had as parents, of our child having a teacher who wasn't that good. We all know how long 9 months can seem for the whole family.

It is so important for our kids that we attract the smartest and most dedicated in our society to the profession of teaching. We had better move fast. The National Center for Educational Statistics predicts that in the next decade we will have to hire 1.7 million to 2.7 million new teachers just to replace

those who retire or leave the profession. While this exodus of teachers is certainly a daunting challenge and a very real pending problem, it is also an enormous opportunity. It is the single greatest opportunity for us, as parents and as community members, to reshape the next decade of education in America.

When I think about this opportunity and 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. Malone, once told me. We were getting ready to go into a new high school building. We were part of the baby-boom generation, so they were always building new buildings for us. Mr. Malone came into our class and he said, "We are going to go into this new high school next week. We are so proud of it and so happy about it. But I want you to remember one thing. I want you always to remember this: In education, there are only two things that really matter. One is the student who wants to learn and the other is a good teacher. Everything else is sort of icing on the cake." What Mr. Malone said 35 years ago is still true today.

Recently I had the privilege of meeting with several teachers and administrators and students from two of Ohio's schools of education—Marietta College and Ohio University. During those meetings, we discussed many of the issues today's teachers are facing and the challenges that await the future generation of teachers. Those meetings reaffirmed my belief that, 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.

We are doing just that with the education reform bill before us. Through the language I have written into this bill, we can expand, enhance, and encourage support for teachers all across America.

First, I have written a provision that will provide support for people in other professions seeking a second career as a teacher. We need to make it easier to recruit future teachers from the military, from industry, and from research institutions. These are people with established careers and real-world life experiences. They have a great deal to give our students in the classroom.

But, getting this kind of talent into the classroom is easier said than done. For example, if Albert Einstein were alive today and wanted to teach a high school physics class, requirements in some States would keep him from even setting foot in a classroom. That, I think, is just absurd. My provision would allow the use of Federal funds for alternative teacher certification programs. This would allow States to create and expand different types of alternative certification efforts.

Second, I have written a provision to provide support for teachers seeking to

improve subject knowledge or classroom skills. This language that we have written helps ensure that our teachers have access to training academies, where they can sharpen and improve their skills as teachers. There is just such a facility in Cincinnati called the Mayerson Academy. Teachers can go there to learn from experienced educators, seasoned educators who can help them and guide them to become stronger teachers in the classroom. Plans are already underway for a similar training academy in Dayton, OH.

No doubt, some of this support should be available to teachers in every community in our country. It is not enough to train our teachers and then just send them out to the classrooms. We have to provide them with the opportunity to constantly improve their skills. It is a science. It is an art. It is both. It is a tough business, and we need to give them the help, the mentoring, and the expertise they need to continue advancing throughout their careers.

The Mayerson Academy was put together by the business community in Cincinnati in cooperation with the teachers unions and in cooperation with the public schools. It is the right way to go. It is the right thing to do.

Third, I have written a provision to provide support for teachers seeking new ways to teach math and science, history, or English. My language expands the mission of the Eisenhower National Clearinghouse, which is a national center located at Ohio State University that provides teachers with the best teacher training and curriculum materials in the subjects of math and science. This clearinghouse screens, evaluates, and distributes the multiple training and course materials currently available and makes it easier for teachers to quickly and efficiently access materials for the classrooms. My provision expands the clearinghouse's mission beyond just math and science to now include, under this language, subjects such as history and English.

Finally, I have written a provision to provide support for new teachers from experienced teachers who will serve as mentors. Many of our most experienced, most senior, most knowledgeable teachers are, unfortunately, about to retire. It is vital that we do not lose their expertise before it is too late. We can utilize their skills through mentoring programs. My provision allows the use of Federal funds for new and existing teacher mentoring programs.

I also believe we need to prioritize Federal funding to recruit and retain good teachers in our high-need urban and rural school districts. One way to do this is by recruiting teachers from the military through the Troops to Teachers Program. Last year we worked to save this program, and thank Heaven we saved it. We 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.

The fact is, the Troops to Teachers Program has been an unbelievable success. We need to recruit more minorities to go into education. We need to have more teachers who have a background in math and science. And, we need to recruit more men into teaching in our primary schools. Troops to teachers brings minorities and men and those with a background in math and science into the classroom. This is a program that works. It is a program that makes a difference.

Let me say how delighted I was to see that the First Lady of our country endorsed this program. She has said that we should be putting more money in the program and has been a very strong advocate for that.

We can also do much more to encourage good teachers to go into the classrooms that need them most. Specifically, we can pursue efforts involving National Board certified teachers.

You may ask: "What exactly is a National Board Certified teacher?" Well, the National Board for Professional Teaching Standards is an extremely rigorous certification program that identifies exceptional classroom educators. This certification is a difficult, challenging, year-long process that measures a teacher's knowledge of subject matter and, more importantly, his or her ability to teach that material to students. Last year, 331 teachers were certified in my home State of Ohio by the National Board, increasing the State's total to 924 educators. I am happy to say it is the third highest of any State in the Union. These teachers are some of our best educators, and we need to encourage them to teach in our most needy schools. That is why I have been working with the Board to urge them to prioritize their federal funding for teachers who teach in, or are willing to teach in low-income school districts. I am pleased to report that the Board has agreed to make this a policy. I congratulate them for it.

In the future, Mr. President, we also need to increase the federal government's funding for an important program for disabled students—the Individuals with Disabilities Act. This worthwhile federal program is one of the largest underfunded mandates on our local schools.

Many of my colleagues have taken time to come to the floor in the last few weeks to talk about this. I congratulate them for drawing attention to this problem.

We need to fully fund the federal government's commitment to this program, as it helps give teachers the ability to teach disabled students without detracting from the education of other students.

Finally, we can encourage teachers to teach in low-income districts—the

very districts where children need them most—by re-examining the current student loan forgiveness programs. This is an issue that I intend to pursue in future legislative initiatives.

I think there is more we can do. We need to look at this program and figure out what we have to do in loan forgiveness to attract students to become teachers and to go to our Appalachian counties and our inner cities, or wherever good teachers are needed.

Now, while I strongly believe that the teacher is the most important resource in the classroom, there are other issues in education that we need to address, like the program of drugs and violence in our schools. I have fought for—and will continue fighting—to improve the \$925 million Safe and Drug Free Schools Program. This vital program, which I have incorporated into the ESEA bill, provides funds to over 97 percent of school districts nationwide to keep our schools safe and drug-free.

The reality is that for many schools this is the only money they get, or the only money that they set aside, to deal with our drug problem. It is vital that we continue to fund this program.

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 the classroom is unable to teach. And that—that is a situation we should never, ever have in our schools. I hope to say more about this very important program as the Floor debate unfolds.

So I believe it is clear that the government can make a difference in restoring quality and equality to education. On a federal level and on a 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.

Parents and families and communities must take an active role in reforming our schools and in helping our best teachers stay in our children's classrooms.

I think it is important that every capable American become involved. Each one of us needs to volunteer directly in the classroom and to participate in some way in school activities. Parents need to go into their children's schools and help the teachers, or volunteer to read to the classes, or help teach math or science, or history, or literature.

As I said, I talked to several teachers in Ohio recently. They told me about how exciting it was to have senior citizens come into their classrooms and read to students on a one-on-one basis; or to help a student read; or to take a turn with the senior reading one page and the child reading another page. These teachers told me that it was not just the senior citizen teaching and a student learning, although that certainly occurred. But, it was the bonding and the relationship that devel-

oped. It was that student knew someone cared about him or her. That was just as important, or in many respects, it was more important.

I think each one of us can do something in our schools. Whether we have schoolchildren in schools or not, each one of us, in some way, can make a difference.

It is up to us to change our culture of complacency. It is up to us to help close the economic and educational gaps in our society.

Ultimately, education reform and the paradigm shifts that go along with it are 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 that we will go forth in the days ahead to give children the tools they need for a bright and promising future.

I am confident that 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.

And, as we do go forth toward that horizon—toward our future—we should remember something Abraham Lincoln once said:

A child is a person who is going to carry on what you have started. He is going to sit where you are sitting and when you are gone attend to those things which you think are important. He will assume control over your cities, states, and nations. He is going to move in and take over your churches, schools, universities, and corporations. The fate of humanity is in his hands.

That sentiment is as true today as it was when Abraham Lincoln said it.

We cannot rest—we must not rest—until every child has teachers who are qualified to teach and schools that are safe, drug-free learning environments.

Our children's future and the future America—hang in the balance.

I thank the Chair and yield the Floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, we are now in morning business, I believe.

The ACTING PRESIDENT pro tempore. Until 3 o'clock.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 5 minutes, and then yield to my friend from Tennessee.

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

Mr. THOMAS. Mr. President, I thank my friend from Ohio for his very excellent comments about education. There is certainly nothing more important in

this country than education. There is nothing more important to the President, and nothing more important to this Congress and to the people of the country than to do something to strengthen education. Hopefully, we are on the verge of moving into that area. We have talked about it now for a good long time. It has been on the agenda and we are ready to move on it. Hopefully, we can do that very quickly.

I think the conversation and the dispute has been somewhat about the notion of funding. I understand that. Obviously, funding is vital to education.

I just came from Casper, WY. One of the board members wrote in our local paper about funding and how important it is. But at the same time there are other issues. Funding alone does not make a successful education program. I feel very strongly about that.

We have to have accountability. We have to have choices. We have to have some measurement of productivity in order to have an education program and the kind that we want.

I am hopeful our friends on the other side of the aisle will not continue to hold up this matter. I think we ought to get on with it.

Is there disagreement on some issues? Of course. There will always be. But there is agreement on our goal. And our goal is to strengthen education in this country. We are not going to do it if we continue to hold off and be unwilling to move forward. I hope we do that.

Republicans have a strong agenda: returning control to parents, giving them charter schools, giving them the opportunity, if the school is not performing, to move their child to another public school, sending dollars to the classroom, giving families greater education choice, supporting exceptional teachers, and focusing on basic education. I think these are the areas that are so important.

The delivery of these programs, of course, is quite different, whether you are in Chugwater, WY, or Cincinnati, OH. So there has to be flexibility that is left to the people in local leadership positions to decide how they can best use those dollars. I think the one-size-fits-all approach does not work.

Underlying this education debate is a basic philosophical difference. Some folks do not like the idea of letting local people make the decisions. We went through that for almost 8 years, where Washington had to decide what the Federal money was going to be used for. Now we are in a position where we do not need to do that. We do not need the education bureaucracy calling all the shots. It is local people—not the Federal bureaucrats—who know what needs to be done.

Then how do you have accountability? We do that by having some kind of testing, a measurement of progress, so kids in Wyoming who want to move to California when they are older have a basic education that will allow them to compete because they have had a productive education.

I think the important thing to remember, too, is that since Republicans took control of the Congress in 1995, Federal education spending has exploded. This President is asking for more money for education than the previous President.

So we need to do those things. This is a direction in which we need to head. We need to do it now. I am getting a little exasperated, as many Members are, that we cannot seem to move forward. We were prepared last week to talk about this. We did not even get a chance to get to it. So we need to produce a bipartisan education proposal which accomplishes the goals of increasing accountability for student performance, supporting programs that work, reducing bureaucracy, increasing flexibility, and empowering parents. By focusing on solutions rather than rhetoric, we will be able to accomplish those things.

Mr. President, I yield the floor to my friend from Tennessee.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. WELLSTONE. Will my colleague from Tennessee yield for 10 seconds?

The ACTING PRESIDENT pro tempore. Does the Senator yield?

Mr. FRIST. The Senator yields.

Mr. WELLSTONE. I do not think there is any order. My colleague from Tennessee was here first. I ask unanimous consent that I follow the Senator from Tennessee in the order of debate.

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

The Senator from Tennessee.

Mr. FRIST. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We were until 3 o'clock. We are now past that time.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1.

The Senator from Tennessee.

Mr. FRIST. Mr. President, I thank my colleague from Wyoming and my colleague from Ohio for their superb statements on education. The first statement expressed the underlying principles of accountability and of local control, of flexibility, as we go forward. I would like to reiterate the plea of the Senator from Wyoming that we be allowed, by our vote tomorrow morning, to proceed to address the bill that is resting on each of our desks and is ready to go, the Better Education for Students and Teachers Act, which is S. 1, the bill on education and is really the reauthorization of the Elementary and Secondary Education Act.

I commend our colleague from Ohio for his superb statement over the last

30 minutes or so addressing some of the most important, fundamental aspects of education as we look at our young children and their health and their safety as part of the education process.

We do have a great opportunity before us. I have been in this body for the last 6 years, and we have discussed various aspects of education—higher education, the Individuals with Disabilities Education Act, IDEA. We attempted to reauthorize ESEA last year but unsuccessfully for a whole host of reasons.

I am delighted by the leadership of the President of the United States, President Bush, who made it the No. 1 agenda item in his campaign. And again and again, as he has met with people—I think in as many as 26 States thus far over the last 100 days—no matter what issue he has been talking about, he comes back to education, the importance of education, and specifically talking about public education for children in kindergarten through the 12th grade.

We do have a great opportunity if we are allowed to proceed. I plead with colleagues on both sides of the aisle that when we have this vote tomorrow morning we will be allowed to proceed to the bill so that over the next 2 weeks we can, in a mature, sophisticated, systematic way, address what I believe is important to every American. Clearly it is, if we look at the campaign for the Presidency, if we look at what has happened over the last 100 days.

It was 18 years ago the report came out that we all refer back to, when the United States was declared a nation at risk. All of that focused on education. That was identified 18 years ago. The unique thing that has occurred, whether you are Democrat or Republican on either side of the aisle, or Independent, is that all of us are slowly but really coming together for the first time, uniting and trying to solve the underlying problems, again, under the leadership of President Bush.

It is a unique time in that all the major programs are up for reauthorization: the Elementary and Secondary Education Act, and the other programs which are coming due over the next 18 months or so.

It is a unique time where the public has come together, and where both parties have come together under the leadership of the President. Also, the process allows us to address what we call a reauthorization.

Today there is general agreement in Washington that our historical approach to K-through-12 education policy is not working. It is broken. It needs repair. It deserves focus. It deserves reform if our goal is really to leave no child behind. It is time to do that.

That is why I believe we in this body have to focus on this, meaning starting today or tomorrow or this week, we have to consider serious change, substantial change, and not just have a

perpetuation of what we have done over the last 35 years since 1965 when ESEA was first passed.

As we all go back to our districts and our States all across America, including communities all across Tennessee, the mandate is very clear: Fix the problem. The problem is clear. The achievement gap is getting worse. We are not appropriately educating our children today.

We need to fix the problem, do whatever it takes, spend money, and, yes, invest more but make sure we spend it wisely. We need to focus on the child. And most importantly—because you can say all of that—we most do it now. We need to take the next 2 weeks to consider this legislation. It is the most important item before the U.S. Government, I would argue and most of the American people agree. So let's do it now. Let's stay on it. Let's go on it tomorrow morning and stay on it over the next several weeks until we finish.

There are lots of different principles that we can focus on as we address this issue. We will be debating everything from how much money to spend, to the individual programs, to how do we actually reform and conceptualize or reconceptualized education today.

I think most of us—not knowing what the specific amendments will be—will stress certain guiding principles as we go through the debate. I would like to mention several that are important to me.

The first principle will be this whole concept that we talked a little bit about last year in terms of flexibility and accountability. Those two words are key, and they mean lots of things to different people. But I think fundamentally when we say "flexibility," we mean freedom; and when we say "accountability," that is sort of the buzzword for results, achievement, learning. I think we have to tie that flexibility to accountability, or the results.

As we talk about Federal dollars—and the Federal dollars are not very much; they are only about 7 percent of the overall education dollar spent in our communities; but it is a clear-cut obligation—I believe that no longer should we attach strings to those Federal dollars unless the strings themselves are attached to demonstrable results. Those results are better education of our children in communities all across this country.

What is going to be different and is different in the underlying bill and in the negotiations over the last several weeks between both sides of the aisle is that, yes, we set the goal of accountability, of achieving those results, but how we get those results needs to be left to local communities. That means teachers and principals and parents and schools and communities. The how-to does not mean Washington, DC. It does not mean the Senate. It does not mean the Congress or even the President of the United States. The

how-to of education rests with flexibility, local control, local identification of needs.

A second principle that will guide me, once we are allowed to bring the bill to the floor, is the focus on the child. We say "don't leave any child behind," but then when we consider legislation, too often we look at systems, inputs, institutions, dollars, at the same time losing the focus on the child. When I say "focus on the child," I also mean focus on the family, on the parents, the people who care most about that child, on the teacher, all at the local level. We need to come back again and again to protect the interests of the children and their parents, without focusing first and foremost on what we do too often, and that is focusing on the bureaucracy, focusing on a monopoly, focusing on a status quo. So the underlying principle that is an important one for all of us is focusing on the people, the child and the parent.

The No. 1 concern of the Federal Government should be the education of our Nation's less fortunate children. Our obligation must be to those children and not to the system itself. If we continue to focus on the education of the child, that is the goal, that is the product, if we do that and don't focus on the bureaucracy or the institution or the system or the input, we will create a system that will allow innovation and optimism in terms of creativity and figuring out new ways to do things more effectively. There will be a stimulation of new thought, new ideas, new ways of thinking about how to educate children.

That ties into a whole series of practical approaches which are mentioned in this document we will debate, such as allowing more choice, more opportunity, discussing issues such as charter schools, the opportunity of supplementary services. If in a typical classroom a child is not learning, what sort of services should we give that child to supplement what everybody else is getting in the classroom; how is that paid for? Where should the supplementary services be available? Can Federal dollars be used for that? That will be the debate.

It all comes from focusing on the individual child, what they need, what works, and what does not work: No. 1, matching freedom with results; No. 2, focusing on the child.

No. 3 is information. We will have the opportunity to talk about information, but as I have been involved in the education debate, I have been impressed with the lack of good, accurate, and timely information that is available to people who are interested in the education of the child. That might be to teachers; it might be to parents, it might be to school board members. The lack of that timely and accurate information is something we absolutely must address. I am convinced that if we give the flexibility and control that is necessary at the local level, people can make prudent decisions if they have accurate data.

Is one school better than another school? Is one teacher better than another teacher? Are children in one group in similar situations being educated better than other children? If so, why? That means we do have a Federal role to supply that information in an accurate and timely way.

Learning what is working, what is not working, that in itself will stimulate innovation and will stop us from rewarding failure. Again, rewarding failure by continually funneling money into systems that are not working year after year has to be changed, and it will be changed once we associate the fact that there are children trapped in schools that are failing in spite of everything that society can do for them. Over time we can no longer reward that failure. We need to continue to invest in that school. We need to give that school every opportunity to improve. If it does not, we need to no longer reward what is failing with Federal dollars, what is trapping individuals, maybe in a dangerous school, maybe an unsafe school, or a school where learning is not taking place.

A fourth guiding principle for me will be that we in the Federal Government do have a very important role. People ask me when I go back home: What is the Federal role? Why are you, a Senator, so interested in education? Why do you believe so strongly in this bill called Better Education for Students and Teachers Act? The answer is pretty clear. The Federal role is to inspire. It is to empower. It is to set the tone and the tenure out of Washington that says: Leave no child behind.

It expresses a willingness to appropriately invest in leaving no child behind. What goes on in this Chamber, what goes on in Washington, DC—and we have heard it from the President of the United States, who has made this the leading issue in his Presidency and in the initial campaign—is that education is important and is a high priority. If it is a high priority for the Senate, for this President, for the Congress, it will be, because of the bully pulpit, because of the leadership, it will be a high priority in Tennessee, in our States around the country, in our communities, in our school districts and, clearly, in our schools. We have to speak on behalf of needy children and their families. We need to spotlight the things that work but also shine that light on areas that do not work.

The Federal role, indeed, is setting those priorities, setting the tone and the content which becomes the national discussion on education. It will be a part of setting that momentum for reform. The reform train is under way in our local communities, but we must hop on that train and accelerate the momentum as we look to the future.

I mention these principles—I will close because there are other Members who wish to speak—pleading with my colleagues to allow this bill to come to the floor. This initiative is important to each and every one of us. If there is

disagreement in some way on substance or on policy, let us bring it to the floor. Let us talk about it. There has been a lot of debate over the last several days on the adequate level of funding to accomplish these higher standards, eliminating or reducing the achievement gap, leaving no child behind. I hope we can bring that to the floor and debate it and through that discussion, through the amendment process, we will come to a conclusion where, indeed, we will leave no child behind.

Matching freedom with results, focusing on the children, keeping information current and flowing, recognizing that we in the Federal Government have a very important role, are the principles I will use as we go forward in this very important debate.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to follow Senator WELLSTONE.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I ask unanimous consent that I may follow the Senator from Arkansas.

Mr. WELLSTONE. Mr. President, the only thing I want to mention is, I don't think I will take much more time, but I didn't say 20 minutes. I think I will probably stay within that framework, although with the Senator from Arkansas out on the floor, it will take some teaching on my part to get him to look at this in the right way. So it may take a few hours. Seriously, I think I can do it in about 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. First, the Senator from Minnesota, then the Senator from Arkansas, and then the Senator from Massachusetts will be recognized.

Mr. WELLSTONE. Mr. President, I want to try to present a little bit of data. First, I will talk about this motion to proceed. There are others who will speak on this. I think Senator KENNEDY, of course, is the most prominent one who can speak to the state of the negotiations. Originally, my objection to proceeding before the spring recess was that I wanted to see what was in the bill. That includes policy and there are legitimate concerns and differences of opinion about that—for example, the Straight A's Block Grant Program. There are other concerns about language dealing with testing.

I also want to know exactly what we are talking about by way of resources to, in fact, make sure that these children we are going to test every year have the same opportunity to do well.

I don't want to see the Senate do something which could be very reckless, and I want to know what is in this legislation. So my objection has been, and remains, that it doesn't make sense to proceed to a bill unless you

know what is in it. That is really what I have been saying. That is what I say today on the floor of the Senate. We need to have a chance to look at what is in this bill.

Mr. President, my second point is that I am in profound disagreement with many of the things that I am hearing on this bill from some of my colleagues. I am in, I guess, angry disagreement with Senators who say that this is "reform" and this is all about—to quote my colleague from Tennessee—"appropriately invest to leave no child behind."

If we are going to now have a Federal mandate—and quite frankly, I am amazed at the number of Senators, especially on the other side of the aisle, who now are going to vote for a Federal mandate that will say to every school district in every State, not just Title I schools that they must proceed with these tests. This isn't just about Title I schools, this is about testing every child in every school district in every State every year starting from age 8 to age 13. Who knows where that comes from, based upon what research, what philosophy?

If that is going to be a Federal mandate handed down to every school district in every school in the State of Minnesota, I want to put my colleagues on notice. I will, in every way I know how to as a Senator, insist that we have another Federal mandate that goes with it, which would be that there will be equality of opportunity for every child to get a good education and to succeed and to do well.

But, do you know what? We are not going to do that. We are not going to do that. Now, let me just start out with the President's budget. The President's budget provides a \$669 million net increase. So far that is what we have seen over the last fiscal year for the ESEA program—\$669 million with \$575 million in new money for title I.

The title I program for disadvantaged children is funded at a 30-percent level. As a matter of fact, you would probably need to get close to \$24 billion or thereabouts per year to fully fund Title I. We are at one-third that level. The President adds \$575 million, and it is "Leave no child behind"? Can you explain to me how? No additional money for reading, for smaller classes, for teaching assistants to help these children is there. Some of my colleagues say: "We have spent all this money on title I over the years." One-third of the children who should be helped are helped!

By the way, the amount of money we spent on title I over the years amounts to one-half of 1 percent of all the money we spent on education in our country during that time. It is hard to blame one program for not leveraging huge progress in this area. But at the very minimum, since this is what the Federal Government is about, how about a commitment to fully fund title I?

I will have a triggering amendment on the floor of the Senate that will say

that we cannot mandate testing for every child in every school district in every State until we first fully fund title I. It seems to me that if you are going to be serious about leaving no child behind, you would want to make sure all these children have the same opportunity. Let's truly leave no child behind. My colleagues are trying to argue we are going to realize that goal on a tin cup education budget.

Now, if you are going to start measuring how children are doing as young as age 8, third graders, it is crystal clear that the most important variables in explaining how these children are going to do, is what happens to them before kindergarten. I am ashamed to say this. Right now, the Congress funds Head Start at a 50-percent level. Early Head Start, 1 and 2 years old—where we say it is even more important to get it right for these children from low-income families—is funded at a 3-percent level. Like Fannie Lou Hamer, the civil rights leader from Mississippi, said, "I am sick and tired of being sick and tired." I am sick and tired of playing symbolic politics with children's lives.

I am going to fight like I never fought in my life as a Senator on this issue. The President's budget is going to leave no child behind? There is no significant increase in Head Start funding. We are going to humiliate these children, fail these children, fail the schools, fail the teachers, and then we are going to blame them, after we don't put forward the resources.

We should be a player in prekindergarten. We should get real about Head Start. We should get real about developmental child care and about making sure these children are kindergarten ready. But no, no, no, no, no. What we have instead is Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent. So President Bush doesn't have any money to invest in these children.

Where is this additional significant investment in education for children to make sure they all can do well on these tests?

The IDEA program: We are nowhere close to the \$17 billion a year that represents the 40-percent commitment the Federal Government made to our school districts. What do we get in the President's budget? We get in the President's budget an additional \$1 billion, barely half of the 40-percent commitment we said as the Federal Government we would make.

We are supposed to go forward with this legislation that sets up a Federal mandate that requires every school district to give these tests. But at the same time, we are not investing the resources to make sure there is equality of opportunity for every one of these children to do well in these tests. My colleagues call that "reform"? And they have the nerve to say this is realizing the goal of leaving no child behind? We cannot realize the goal of leaving no child behind on a tin cup

education budget. This is symbolic politics with children's lives.

I say to the Presiding Officer, I am amazed that all of a sudden there is this support for this Federal mandate to tell every school district in every State that they are going to do this testing. It is a gigantic unfunded mandate because of what I just said: We are not living up to our commitment to provide the kids and the teachers with resources so they can do well.

I am going to have a number of amendments, and I think there will be strong support. I have delved into this testing issue. I know Senator KENNEDY has been working hard on this. We absolutely have to make sure this testing is done the right way so that we do not have single, low-quality standardized tests being used in the states.

I can quote from all sorts of studies. I will wait for that when the amendments come up. I tell my colleagues, everybody who is involved in the testing field, all of the studies that we ourselves have commissioned to look at "high-stakes testing," warn us: You better do this right. You better have multiple measurements.

You better make sure this is not rote memorization.

You better make sure you do not force teachers into drill education, which is teaching the test, and which is going on all over the country.

You better make sure you truly are measuring the depth of knowledge of children.

You better make sure you take into account those children who come from families where English is a second language.

You better take into account children who have learning disabilities, something with which I have struggled and which has affected me on these tests.

Mr. President, did you know that the National Association of State Boards of Education has determined the total cost to States to develop and implement 3 through 8 assessments could be as high starting out as \$7 billion? If the simplest tests are used—which will be, frankly, an abuse of testing—the minimum cost would be \$2.7 billion.

Do you know, Mr. President, what the President has budgeted for testing for the school districts? It is \$320 million. I say to my Republican colleagues, I am amazed you are willing to vote for this unfunded mandate. I am amazed.

I say to my Democratic colleagues, I am amazed that we would go forward unless we first have some ironclad commitment from the President and from our colleagues that we will, in fact, also live up to our commitment to provide the resources for these children and these teachers and these schools.

We cannot do one without the other. We cannot move forward with legislation until we know what is in it. We cannot move forward with legislation until we have some agreement on some of the policy questions some of us are raising.

Let me, one more time—I think I can do it in 2 or 3 minutes—spell out my position.

We must do testing the right way. Right now I think there is every reason to believe that this is a rush to recklessness. If we do not do the testing the right way, we are going to drive teachers out of teaching. We want to get the best teachers. In fact, when I am in schools—I have averaged being in a school about once every 2 weeks for the last 10½ years—I ask the students what makes for good education.

Before smaller class size, before even repairing dilapidated buildings, before discussion of good textbooks and technology, they say good teachers. They all say we want to attract the best and the brightest. Please think this through. We want to attract the best and the brightest, but we are going to say to the best and the brightest: When you teach—I have two children who teach—we are going to tell them when to teach, how to teach, and what to teach. You and your students are going to be measured by these tests every single year. Many of them will be standardized tests, simple, and everybody is going to be forced into worksheet teaching, drill education.

We already know who is not doing as well. Suburban schools are doing well and the kids are doing well and thank God for that. It is the rural and the inner city where we have the most trouble. It is in those areas where we have the most trouble recruiting the teachers. Guess what. The best and the brightest are not going to go into teaching. What in the world do we think we are doing? That is my first point.

My second point is, if we are going to do the testing right, the National Association of State Boards of Education said it could cost, starting out, as much as \$7 billion, and we have, Mr. President—and I appreciate your attention; thank you for your graciousness—we have from the President's proposal \$320 million. That is an unfunded mandate. Any good conservative, much less flaming liberal, should vote against this on that basis alone, unless you have that investment in paying for these tests.

I will have a triggering amendment. Right now we are spending 30 percent of what it would take to do title I. I am going to have an amendment that says until we fully fund title I so that the children from the disadvantaged backgrounds—those are the ones not doing as well. Is anybody surprised? Are you surprised? They do not come to kindergarten as ready. They do not have the same breaks. They do not go to the schools which have all the facilities. They do not go to the schools with the most highly qualified teachers, although I must say, some of the teachers I have seen in the inner city and rural schools are saints. As a matter of fact, I hear discussions about accountability. Some of the harshest critics in the Senate of these public school

teachers could not last 1 hour in the classrooms they condemn.

At the very minimum, let's get real. If we are going to have these tests, do it the right way. If we are going to have these tests, hold everybody accountable. Then also make sure there is another Federal mandate that there will be equality of opportunity for every child to have a good education and succeed.

Therefore, with my amendment, this cannot be implemented. They cannot have this Federal mandate of testing every year until we first fully fund title I. Let's give these children and schools the resources they need.

By the way, I am thinking seriously of other triggering amendments. Another one is we cannot do the testing until we fully fund Head Start. The truth is, that is the place to start. Before the Chair came in, I said right now it is 50 percent of the kids and that is it. In early Head Start, it is 3 percent. That is for the 1-year-olds and 2-year-olds.

I might have another triggering amendment—for sure I will have one on title I—that says until we fund the IDEA program, we cannot go forward with this testing.

There are plenty of reasons not to proceed.

I don't want to proceed on a piece of legislation that I haven't yet seen. The language is technical. Frankly, we could be making a major change in the Federal role in education. I want to see the language. I don't think we should rush through this. This issue is too important. In addition, we should know exactly the agreements on the policy questions.

I do not believe we should go forward with this legislation, this Federal mandate, to test every child, unless we also have a Federal mandate, backed up by resources, that there will be equality of opportunity for every child to have a good education and to succeed. We can't do one without the other. I know for a fact this administration is not willing to make that investment. I have seen nothing on the table because of the commitment to these Robin-Hood-in-reverse tax cuts.

I am opposed to 42 percent of the benefits going to millionaires; I prefer more money into title I, special reading, additional help. I prefer more resources into afterschool programs. I prefer more resources into prekindergarten, into kids, into opportunities for every child in America. It is not in this bill.

Please don't make the mistake of believing that a test guarantees good teachers. It doesn't. A test doesn't rebuild crumbling buildings. A test doesn't bring technology to schools. A test doesn't provide the resources for children with special needs. A test doesn't provide smaller class size. A test doesn't provide counseling and support of services for children.

Where is the commitment to these resources? This is not reform; this is a

charade; this is a mockery. I am indignant. I am determined to over and over and over and over again come to the Senate with amendments to make my case. I don't mean I take it as a foregone conclusion we will move to the bill, but I oppose the bill until I know what is in it and until I know whether there is an agreement. In fact, if I lose on such a vote, I will come to the floor with amendments, over and over and over again, to fight for what I truly believe.

I say to my colleague from Arkansas, since we are not always in agreement, I truly believe it is necessary to realize the goal of leaving no child behind.

The PRESIDING OFFICER (Mr. COCHRAN). Under the previous order, the Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Senator WELLSTONE may have made the greatest understatement in the Senate, when he said we may not always agree.

I have the utmost respect for my friend. It is always a challenge following the Senator from Minnesota. He is passionate and articulate. I have the utmost respect for his convictions, though I think in this instance he is misguided.

I rise to speak in favor of the education bill from the Committee on Health, Education, Labor, and Pensions, the Better Education for Students and Teachers Act. I look forward to engaging in what I think will be a healthy and vigorous debate throughout this week and perhaps next week.

Certainly Senator WELLSTONE and I agree that this issue is important. I think all colleagues on both sides of the aisle agree this is an issue that deserves the time we have reserved on the floor; it deserves the debate that has begun. I am confident we will be able to pass the reauthorization of the Elementary and Secondary Education Act and we will pass a bill under the direction of our President, under his leadership, that will reform the American educational system and the Federal role in public education, and we will turn away from those who simply would endorse the status quo and continue down the path of the past.

While the legislation before the Senate makes significant reforms, we have been working with colleagues on both sides of the aisle to make several needed improvements to the bill that came from the committee. It is essential this legislation not merely rubberstamp the policies the Federal Government has encouraged for many years. During 35 years of the Elementary and Secondary Education Act, Washington created a lot of programs; in fact, one study in the House of Representatives shows over 700 Federal education programs. We have a burgeoning education bureaucracy. The Federal Government has spent 35 years and over \$120 billion on title I funding to increase the achievement of disadvantaged students, and that was the reason the NAEP was originally authorized. That

is why we started a Federal role in education. We wanted to help disadvantaged students. If there is a proper Federal role, it is to target scarce resources toward the most disadvantaged and to narrow the learning gap between the advantaged and disadvantaged students.

After 35 years and the \$120 billion on title I funding for disadvantaged students, we have little, if anything, to show for that investment. Let's recount the facts.

First, as a prelude to what I will say, I emphasize there are many quality teachers in public schools. There are some incredibly dedicated teachers who are doing a tremendous job in public schools. I agree with one thing Senator WELLSTONE said. I would not last an hour trying to fill their shoes in the difficult job they have. My sister is such a person. I admire her immensely. She will never have her name in any headlines, but, day in and day out for 20 years, she has been in the classroom, teaching and instructing and brightening the lives of young people. She deserves, as thousands of public educators across this country, our praise.

We have made their job more difficult. We have left children behind. That is what we need to remedy. The most recent NAEP reading results for 2000 remain the same—not for 1999, the same as for 1992. The worst news in the scores for 2000 was that higher performing students made gains while lower performing students did even worse. In other words, what we were supposed to try to cure with our Federal prescription for education when we created the Elementary and Secondary Education Act 35 years ago we have only made worse. The situation has only been exacerbated. Instead of narrowing that learning gap, we have seen the learning gap between the advantaged and disadvantaged only increase.

American 12th graders rank 19th out of 21 industrial countries in mathematics. Only Cyprus and South Africa fare worse than the United States. I say to my colleagues who want to spend more money, let's not spend more money unless we bring reform. That is unacceptable. For the greatest nation in the world, the freest nation in the world, and, without risk of being contradicted, the Nation that has the best higher education program in the world, to have those statistics for our elementary and secondary education system is unacceptable.

Since 1983, 10 million American kids reached 12th grade without having learned to read at the basic level; 20 million seniors could not do basic math; 25 million seniors are illiterate on the subject of American history. How long can a free society survive, how long can a democracy survive, when our young people do not have a basic understanding of our Nation's roots, our Nation's history?

What about the middle school grades? Two-thirds of American eighth graders perform below proficiency level

in reading. It is not just the high schools; it is not just in the middle schools; it is also in our elementary schools that our children have been shortchanged by a Washington-based, cubicle-oriented system. Over three-quarters of fourth grade children in urban high-poverty schools read below basic on the National Assessment of Education Progress, the NAEP test. Those kids in particular title I was intended to help the most—the disadvantaged children, those in urban schools, those in high-poverty schools—and they are the children who are suffering most under the current system. Those statistics are shameful.

Two years ago when the Children's Scholarship Foundation, a private scholarship fund, offered 40,000 scholarships for tuition, privately funded—they offered 40,000 scholarships across the Nation—1.25 million applications were received. Even though families were required under this program to make a matching contribution of \$1,000 from their own pockets, they still had one and a quarter million applicants.

Talk about a poll. That is perhaps the best poll on the failure of the current system.

In many urban districts, the demand for these scholarships was so high that a staggering 44 percent of eligible parents in Baltimore applied for these scholarships and 33 percent of the parents in Washington, DC, applied for these scholarships. There are only 40,000; one and a quarter million applicants. In the most poor communities, parents are just not satisfied with their schools.

When you look at the past, you look at what the Federal Government has tried, you can only say we have been weighed in the balance and we have been found wanting. We have a golden opportunity to change that story this year. Child-based education is the focus, I believe, of the pending legislation. We have a bill for consideration that is about educating America's children, not keeping a failing and dilapidated education infrastructure on life support. The bill before us pioneers a new direction for the Federal Government's role in education. Is it not time for a new direction?

The package that some of my colleagues and I have been working on, which includes several initiatives such as what we called Straight A's, what President Bush calls Charter States, will be offered as an amendment if not negotiated in the talks that are ongoing.

Supplemental services for children in failing schools: No, it is not a full parental choice provision, as the President suggested, but it is a step toward giving parents with children in failing schools—where the schools have been given an opportunity and have been given resources, and the schools will not teach and the schools will not change—to give those parents an opportunity to not sacrifice their children in that failing school but to have

some other option, some supplemental services, some Sylvan Learning Centers, tutorial help, to ensure that their children are not lost in a failing school system.

But I hear from the other side of the aisle that these reforms are not enough; that what is really needed is more money. I suggest that will be the mantra we will hear over and over and over again this week in response to the President's leadership and in response to real education reform. We are going to hear over and over again: No, what we really need is more money.

Let's talk about that. Even though over \$120 billion has been spent on title I over the past 35 years, even though we have seen no measurable gain in student achievement over those 35 years, the argument is still the real solution is to spend more money. Even though the President in his budget has included an 11-percent increase for education, more than any other Department in the entire Federal Government, and even though he has suggested tripling funding for reading programs in those lower grades, we will still hear over and over again: The real issue is not reform. The real issue is we need to spend more money.

Let's continue to talk about that funding issue. I suggest while more money is desirable, it is not desirable if we do not yoke it with real education reform. This chart from the National Center for Education Statistics reveals what is happening. On NAEP reading scores since 1971, you can see that while we have more than doubled spending—the red line—more than doubled spending on education on a per-pupil basis, over \$8,000 per pupil, these lines reveal the real story. It is that 12th grade NAEP reading, since 1971, has remained basically static; 8th grade NAEP reading—the green line—since 1971 has remained stationary; and on the 4th grade NAEP reading, we have essentially a flat line as well.

So while, since 1971, we have more than doubled, in inflation-adjusted dollars, what we are spending per pupil, the result has been no significant progress.

Let's go from reading to the math scores. The NAEP math scores tell essentially the same story. Since 1973, spending has increased from about \$5,000, \$6,000, to over \$8,000. We have a considerable increase over the years on the per-pupil expenditure. Yet you can see in the 4th, 8th, and 12th grades, the scores remain, tragically, a flat line.

I suggest the evidence is overwhelming that money is simply not the answer. Last year's Rand Corporation State-by-State comparison of test scores on annual spending per student on education, scores adjusted for demographics and cost-of-living differences across the States, shows that schools do not thrive on money alone. Texas ranked 24th among the States on yearly spending per student, but they were first in test results on the 1990-1996 NAEP test. Iowa was 21st in spending,

but they were third in results. On the other hand, Louisiana was 14th in spending per student, but they were 47th in results. There is simply no persuasive correlation between the amount spent and the academic achievement of students.

It is time for us to move in a new direction. I say money alone is not the answer to all our problems. I am spending so much time on that because I know that is what we are going to hear all week long. We must take a balanced, responsible approach to education reform. Funding where needed is important, but we can already find plenty of examples of innovative schools that do not have a wealth of funding. The Heritage Foundation published a book entitled "No Excuses." This book tells the story of 21 high-performing high-poverty schools. One of those schools is in Portland, AR; the Portland Elementary School. I will give you an idea of where it is located. This, as the Presiding Officer right now well knows, is the Mississippi Delta. On both sides of the Mississippi River is, I think, unquestionably the poorest regional area on a per-capita-income basis in the entire Nation. More so than even Appalachia is the Mississippi Delta. It is a struggling area in every way, economically and educationally.

This school, the Portland Elementary School, is located right here in Portland, AR, in southeast Arkansas. This school is led by a principal by the name of Ernest Smith. The Portland Elementary School, located in the Mississippi Delta, has found high academic results. Oftentimes those are not expected in this region of the country. They have found these results by demanding academic achievement from every child in the school. Portland Elementary has only 150 students in pre-kindergarten through the 6th grade. Mr. President, 77 percent of the students are from low-income homes. When Ernest Smith came to Portland 5 years ago, half of the students in the fourth, fifth, and sixth grades were scoring 2 years or more below grade level. Today 100 percent of the students in this elementary school are at grade level or above.

I want everyone to see this principal. This is Ernest Smith, an engaged principal who has transformed this elementary school in the Mississippi Delta.

How did this remarkable turnaround happen? A dedicated principal, a school district willing to try something different, and teachers who were supportive of the approach—not a Federal program telling this principal what he should do. In fact, it had been his experience that the Federal programs oftentimes got in his way.

Ernest Smith is 65 years old. He has been a teacher and a principal for 43 years. This is what he did. He convinced the school to implement an instructional model called Direct Instruction, and test scores have risen ever since he did it. Additionally, parents who enrolled their children in pri-

vate schools in the area started to call Mr. Smith to enroll their children back in the local public school.

But Direct Instruction was not the only reason for the improvements in the school. Mr. Smith has increased parental involvement in the school, where 50 percent of the parents attend a monthly parents meeting, and 98 percent of the parents attended the parent-teacher conferences. In addition, more time during the schoolday was dedicated to direct involvement between the students and teachers. Mr. Smith realized when children are at school they should be learning, so recesses and naptimes were shortened or cut out.

On their most recent standardized tests from this spring, kindergartners scored at the 88th percentile nationally.

It is the poorest region of our Nation and the most educationally challenged region of our Nation. However, the 88th percentile for kindergarten is not good enough for principal Ernest Smith. His goal is the 100th percentile for every student.

You can see in kindergarten, grades 1, 2, and 3—in every grade—in this elementary school, they are exceeding the national average, the 50th percentile. Once again, his desire is to see 100.

Luke Gordy, chairman of the Arkansas Board of Education, said in an editorial written in the Arkansas Democrat-Gazette in reference to Ernest Smith and Betty McGruder, principal at Whitten Elementary, "they have accepted no excuses for raising levels of learning for every child under their care." They believe they must learn.

I suggest to my colleagues that money alone is not the answer. This school doesn't have a lot of money. They have very little money. They are on a very tight budget. Their answer wasn't give us more money, but give us the freedom to make the kinds of reforms in which teachers are going to be allowed to teach.

Having served in the State legislature and worked with local school boards, I don't subscribe to the notion that Washington is somehow all-knowing and that we policymakers on the Education and Labor Committee are somehow omniscient. Washington is not omniscient, and we are not perfect in knowing what is going to meet the needs of schools all over this country.

This bill that we are debating requires accountability and student performance measures in exchange for flexibility and discretion by States and local schools. That is something the current system just does not have. The current system is a straightjacket for local educators. This system puts these local educators in handcuffs and says: This is the way you must do it—that we must prescribe from Washington, DC. Rather than out-of-touch bureaucrats here in Washington pulling the funding stream, the funding would be allocated under this bill directly to States and school districts. Funds

would be consolidated so that schools would have to spend less time filling out grant forms, and so they could spend more time teaching.

The Presiding Officer directing our deliberations knows as well on our committee that we had the Secretary of Education come before us on more than one occasion and repeatedly he reminded Members of the Senate that his background is as a hands-on educator, superintendent, principal, someone who has been there, and someone who sees it from a different perspective than what we too often see coming out of the Federal Department of Education. I think that is refreshing. I think that is going to assist us in the path we have before us.

I think the facts are so clear and the message is so strong that proponents of the status quo realize that change is coming. People are realizing that President Bush's plan makes sense, that it is going to bring real change, and that it is going to take us in a new direction. I am glad my colleagues have started to embrace the President's positions. I only hope these initiatives become stronger, not weaker, as we go through the debate in the next couple of weeks.

With millions of American students struggling to read, with millions of American students struggling to recite basic history facts or exhibit basic mathematical skills, one would hope we could collectively agree that we must try something different and we must collectively put our emphasis on student performance. We can do that by passing the pending legislation.

An editorial op-ed piece written by Joel Belz—I don't know Joel Belz, but I thought he had a wonderful analogy of what we are facing, and those who are going to oppose this bill are setting themselves up against change. This is the way he put it. He said:

Advocates of statist education are like the older people in the Soviet empire in the early 1990s.

This is Joel Belz. I am not impugning anybody's integrity.

He said:

They're vaguely aware their system isn't working—but they've never known anything else. Even worse, statism has dulled their creative powers, as it always does, and they can't imagine anything other than what they've always known. Their only solution is to multiply their efforts. "Let's do more of the same—much more," they proclaim cheerlessly. "If only we had more money to buy more of what we've already got, maybe it would work." But it's like pushing boulders up the long slope of a mountain.

But the forces that resist real change will repeatedly fall back on: We just need to do more of what we have been doing for the last 35 years, if we will just put more money in—while they defend this deteriorating education bureaucracy and infrastructure that impedes reform instead of energizing reform.

Flexibility means freedom. Accountability means you have to measure. After you measure and you discover

and determine where the failing schools are, there must be consequences. There must be ultimately more parental choice.

It has been said that the last seven words of any dying institution are, "We never did it that way before." We will hear that disguised in various ways and in various euphemisms. We will hear that this week: "We never did it that way before." The real solution is, we need more money. The President agrees. Let's put in more resources. But the President has rightly put his finger on the problem: Most basically we need reform.

Testing: Yes. Testing, because as fallible as it is, it is the best tool we have of determining if our children are really learning.

Flexibility: Yes. Because, as in welfare, the great reform that is occurring in education is happening not in Washington, DC, but in the States—our laboratories all across this country.

Parental choice: Ultimately parents are still the first and best educators. They need to have the opportunity to ensure that their children are not shuffled through a system in which their children are the ultimate sacrifice.

I believe that ultimately when this debate is brought before the American people, and when it is brought before the Senate, the energy and the impetus for real reform that our President has given us will result in the most dramatic and fundamental change in the Federal role in education since the Elementary and Secondary Education Act was first passed and since the Department of Education was created. That is good news for children all across our country who are being left behind.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I want to give an update to our colleagues about the efforts to resolve some final items in the pending Elementary and Secondary Education bill negotiations.

As my friend from Minnesota pointed out earlier, we don't have the final product. We have legislation that was reported out of Committee, but at the time of reading of the Committee bill and the report, there were a number of additional areas we were tasked to try to resolve, if we could, in order to be able to fairly represent the best judgment of the President of the United States and the Committee.

That has been an ongoing process. Members of our Education Committee, as well as other Senators—including Senator LIEBERMAN and Senator BAYH—indicated a particular interest to our leadership. A number of our colleagues, as well as the majority leader's staff will be very much involved in these negotiations.

I was interested in the statements and comments made last Friday about the state of these negotiations by the

majority leader, because they really did not reflect what I think has been the ongoing effort that all of us have been making to find common ground in this very important area of public policy.

I must say that I think we have moved in a very significant way in trying to listen to each position and work through some of the differences.

I think in the area of policy conclusions we have made very important and substantial progress. It does not reflect all of my priorities. I would have liked to have seen a good deal more investment in smaller class sizes and school construction and modernization. I would like to see firmer language for professional development, and some other areas as well. I will speak to those items when the legislation is considered by the full Senate.

But we have made important progress in a number of very important areas, particularly in putting the final touches on the accountability and Straight A's compromise. We resolved the key issues on bilingual education, on after-school programs, on teacher quality, supplementary services, on report cards, and on testing.

The points that my friend, Senator WELLSTONE, mentioned about ensuring good quality testing is going to still be a matter that I hope we can address in the Chamber. I think the examples he gave about these quick, slick, easy tests that are easily taught do not really test the depth of a child's mind and their ability to really develop his or her grasp of different educational concepts are telling. There are many good tests that are being given. I think the NAEP test that is given in my own State of Massachusetts, is a high-quality test. We've worked through important language in the assessment area.

Senators may need to meet tomorrow though to work through remaining items that have not been resolved at the staff level. But, I still say to my colleagues, we have not reached a final agreement on the question of funding.

As we have heard from a number of our colleagues, I stand with those who believe that having the changes in policy are important, but to really breathe life into changes provided for in this bill, we need to have the adequate funding.

I listened to my colleague from Arkansas talk about money, money, money—that is what others are going to say. The fact is, it isn't just us on this side of the aisle who are talking about enhanced resources. In any fair, open examination of the number of children who need the services that we are trying to provide, and who are not receiving those services, if we are going to cover them, it is going to take an investment. It is as simple as that.

We are only reaching a third of the nation's neediest children. We say in our legislation, on page 41, that there must be a timeline for ensuring that each group of students must meet or exceed the State's proficient level of

performance on the State assessment—within 10 years from the date of enactment. Ten years is mentioned throughout this piece of legislation—this is the commitment, that we are going to have proficiency for the economically challenged children of this country who present severe needs in our society. If we are going to meet our responsibility, it is going to take additional resources.

I listened to my colleague, Senator HUTCHINSON, talk about the Sylvan Learning Centers services that are offered to students across the nation. It costs \$38 an hour for those services, and approximately 50 hours over the course of a school year in order for a student to show improvement. That adds up to \$1,900 a year for extra services to one child. Sylvan guarantees that after 36 hours of learning session, children go advance one grade level.

We know that without adequate funding we're still going to be failing to respond to the needs for supplementary services for children.

As we begin this debate we need to understand what is really missing in the legislation. We are not reaching one-third of the children eligible for supplemental assistance. This Administration has made a commitment to ensure that all children will be guaranteed at least the benefits of this legislation. If done well and right, that will mean a well-trained teacher in the classroom, a reformed curriculum, tough accountability, and the opportunity for parents to understand how well their children are doing or not doing, and how well that school is doing or not doing.

We seek strong accountability of schools, of teachers, and of children. The question is, Are we going to be accountable? Are we going to be accountable for ensuring that all the children are going to be covered? I think that is the fundamental issue in terms of funding. Unless we are going to do that, we do a real disservice to the children in this country.

This is not going to be the only education debate we are going to have.

We also understand the importance of early intervention programs for children. I was very disappointed that the President's budget eliminated the early education program. This is a program that was supported by Senator STEVENS, Senator JEFFORDS, myself, Senator DODD, and Senator KERRY—a strong bipartisan program that gave a great deal of flexibility. It includes part of our effort to try to make sure children are going to be ready to learn when they enter school. As all the various studies, including the Carnegie Commission reports, demonstrate that early intervention add immeasurably to children's interest in learning, their ability to learn, and in the development of their interpersonal skills.

If we say we are going to benefit from the knowledge that we have discovered over recent years, we ought to be supporting early intervention for children,

and in many instances, for parents. Many times, particularly in the areas of reading, parents also have difficulty reading. Some of the most successful reading programs involve parents as well as the children.

We are also going to come back to the debate on the funding of the Head Start Program. We are still in some States, only serving 40 to 43 percent of eligible children. In some major urban centers in our country approximately 25 percent of the children that are eligible to go to Head Start, are able to find the slots to do so.

The Head Start Program has been examined, and it has been shown that the benefits from it in the early education years, add immeasurably to the child's development during the period of their education, and can even last through middle school and high school, if done and well supported.

Many of us are disheartened, from recent studies on child care, which show a high level of turnover that is taking place in Head Start Programs. Some children are exposed to two or three teachers over the course of one year. This means confusion to the children and a lost opportunity.

Early intervention is key for enhanced academic achievement for the children, and in many respects are as important as many of the issues we are going to be dealing with in the Elementary and Secondary Education act.

I am strongly committed to a strong partnership between the Federal Government, the State, and the local community. Parents want the best for their children and they will take it wherever they can find it. We have the opportunity and the responsibility to provide these resources. That is what the Federal role is today. It may be expanded in the future, but today it is targeted to the neediest children.

The prime responsibility for education funding still remains with the State and local community. If there has been a failure—and there has been—in trying to bring substandard schools up to the point where they are going to be benefitting children, the blame lies with the States and local communities, as well as with the efforts the Federal government has made in the past. We are spending about \$400 billion a year, and with \$8.6 billion dedicated to title I. This works out to approximately 2 cents in terms of interventions directly with the neediest children.

Our elementary schools are much different than they were 10 or 15 years ago. We are bringing children who have special needs into our public schools and attempting to mainstream them. They take the test along with everybody else in the class. Schools are also dealing with a large population of students who do not speak English as a first language, which creates an increasing complexity in terms of having well-trained teachers. I recently went to the Revere High School, just outside of Boston, where there are 43 different languages being spoken by students.

These challenges are compounded by increased divisions of families, the explosion of substance abuse, and the growth of violence in society—all falling primarily on the same children and then we wonder why these students are not getting all A's and B's in school. Then the finger is pointed at the Federal Government saying, they have failed us on this—that is a simplistic explanation and observation about what has been happening to elementary and secondary schools across the nation.

We have been attempting to do the best we can, through strong accountability measures to give the parents the information and then ultimately empower them at the time, if a school has been failing, to make some choices and decisions on what they find to be in the best interests of their children. We are going to strengthen the supplementary services for children so that those children who have been found in need as a result of the tests are going to get the supplementary services.

Unless we provide the resources, we are only, according to the best judgment, now providing the additional services for probably 15 to 18 percent of the children in need. We are going to make sure that schools are held accountable. We are going to insist on a strong professional development opportunities for teachers.

I was recently in a school just outside of Quincy, Massachusetts, where they implemented professional development programs. They had a 100 percent turnout of teachers for this program. They say the thirst and interest of teachers in being able to have that professional development is replicated all across this country.

We ought to make these opportunities available for teachers, especially in the inner cities that do not have the kind of professional training, but in many instances, have dedicated teachers who are pouring their life into trying to serve children in need.

We are so easy to condemn these teachers where in most circumstances, they would be able to leave, and perhaps with less tension and danger, if they went into a different situation.

There are no easy answers. And to those who suggest that this legislation is going to answer our problems, we ought to take a very healthy sense of pause as we begin.

I will just say a final word about the investments in education. I can remember not long ago talking with Mary Robinson, President of Ireland, asking her about some of the things that gave her the greatest satisfaction as the President of Ireland. She told me a couple of years ago that she had just gone to the 10 best schools in Ireland. I asked where they were. She said they were in the poorest areas of Ireland.

I said: How so? That would not be the situation you would necessarily find here in the United States.

She said: We have virtual uniformity in terms of funding of the schools in Ireland.

Of course, that is not the case here. You find out that in most urban areas, they are spending about a third of what they spend in the more affluent communities. That happens to be a reality. That makes a great deal of difference in terms of both the physical structures, resources, training, and the programs and the atmosphere and the curriculum the children have.

She continued and said: The best teachers in Ireland go to these underserved areas because they find it the most challenging and because they find the children are the hungriest because they know that the key to getting out of many of these areas is an education. And most powerfully, the parents understand that. So they are engaged and involved.

They have had extraordinary results. That doesn't surprise me. If children had the opportunity and knew they were getting something that really was as good or the best, they would try to excel and succeed. If they knew they could get support services, they would make all of the additional efforts to try to be the kind of students their parents would be proud of. That is the lesson of history. That happens throughout the whole world. Why we don't think that will happen here is a great misunderstanding.

To do it, you have to do it right. Many of us on this side see that we are developing a formulation in terms of this legislation that will have both accountability, flexibility, and responsibility. It will have something that can make a significant and important difference in doing it right. Funding is going to be the key to whether those services are going to be there or not.

I will mention the contrast in funding between this side of the aisle and the Administration. We have, on all of the ESEA programs for fiscal year 2001, \$3.6 billion, a 24-percent increase. This year, the Administration offered a 3.5 percent increase, as compared to a 24-percent annual increase last year. In fiscal year 2001, the budget increase for the entire Department of Education, was \$6.5 billion, as compared to the Administrations proposed budget increase of \$2.5 billion, 5.9 percent.

Money isn't everything, but it is a clear indication of a nation's priorities.

We have had this debate where we have said that our No. 1 priority is going to be the tax reduction. That is our No. 1 priority. The President has said this is a top priority. Well, the point is, if it is a top priority and the first priority is a tax break, somewhere out there they have to meet. They ought to be reflected in the additional kind of resources to be able to fund these programs in a way that will make a difference for the children.

The reason I haven't lost some hope of having some assurances from the President is that I look at what happened with school funding in Texas. Between 1994 and 2000, funding went from

\$16.9 billion to \$27.5 billion, which is a 57-percent increase. We saw a corresponding enhancement in the children's achievement levels in Texas.

I hear the arguments from the other side that money isn't everything. This President saw the importance of investing in children and investing in the quality of teachers and others, and it has really made the difference.

So we will soon have the chance to debate these issues in greater detail. I hope that prior to that time we have a last best judgment from the President that will give assurances we are going to have the funding to enhance this change. I hope to include at least another third of the children in the area of title I. Then we can give an assurance to the American people that during this Presidential term he will fight for the complete funding for the title I program.

I think that would be an enormously powerful message. I daresay I think he could be assured of every vote for that full funding from this side of the aisle. I welcome the opportunity to join that. That would really give light to what we believe the children in this country need and deserve.

Mr. DORGAN. Mr. President, I wish to speak for just a moment about the issue of education. We are turning now to the Elementary and Secondary Education Act reauthorization. This is critically important legislation.

The one thing I think it is important for us to say at the start of this debate is that education has worked in this country for a long time. There are some areas in which education has failed American children, but generally speaking, you cannot say that.

We live in a country that is blessed with opportunities that most countries have never had. In my judgment, that has happened because we have had a public education system—since before the independence of our country—that said: We are going to allow all young children to be whatever their God-given talent can allow them to be. That is called universal education. Every child coming into this country's school system is allowed to be whatever his or her God-given talent allows. That has really provided remarkable dividends for our country.

Think of where we have been and what we have done. It is quite a remarkable record. We survived a civil war. We survived a depression. We beat back the oppression of Naziism. In terms of technology, think of what we have done as a country. Both the spirit of Americans and our education combined have allowed us to split the atom. We have mapped the human genome. We have done so many things. We have spliced genes. We have invented plastics, the silicone chip, radar. We built airplanes and learned to fly them. We built rockets and flew to the Moon. We have cured small pox. We have cured polio.

When you think of what we have done in our country—we have created

telephones and television and the computers—it is quite remarkable.

One could ask the question, it seems to me, how did all of that happen in our country? Why didn't all that happen somewhere in downtown Tegucigalpa? It happened in our country because we have made a lot of the right choices for a long period of time in this country. We have an education system in this country that has produced remarkable thinkers, that has allowed the genius of every young child in this country to become what it can become.

Now we are poised in the first year of this new millennium to do even greater things. We come here debating education and trying to respond to the challenge of dealing with school systems that are failing because there are some that are not making the progress they should. But I think it is very important to point out that there are many school systems that are succeeding well beyond anyone's expectations.

There are a lot of ways to succeed. Some say, if you make the right investments, you can have good schools that are well repaired, classrooms that are of sufficient size, and enough quality teachers. You can make this education system work well in every part of this country.

There used to be a custom of building little red schoolhouses. When everyone thinks of schoolhouses, they think of a picture of the little red schoolhouse. I am told that the little red schoolhouse originated in the Northeastern States, and it originated for a particular reason. Schoolhouses originated as red because red paint was cheaper than any other color. So schoolhouses were painted red, I suppose, because the people at that time wanted to save money on those schools.

There are ways to save money on schools, to be sure. But it is not necessarily in the best interests of children if you save money by withdrawing the opportunity for a good, full, and balanced education.

My hope is that when we talk about this piece of legislation, we can emphasize the positive in areas where we agree—and there are plenty of them. President Bush has made a proposal that has, in my judgment, a lot of good things in it. He has also presented a proposal that is deficient and leaves out a lot of important things.

So what we ought to do is start with this premise: No. 1, much of our education system in this country is working, and working well. Some schools are failing. Reading achievement is up. The National Assessment of Educational Progress shows that during the last decade, reading achievement has significantly improved in all grades tested.

Is our reading achievement sufficient? Should it be better? Yes, it ought to be better. But testing shows we are on the right track. Mathematics and science achievement is up. Students are better prepared for college.

In the 1990s, the scores on both the SAT and the ACT have climbed steadily. Students are taking tougher courses. Between 1992 and 1997, the number of high school students taking advanced placement courses in all subjects increased by two-thirds.

Some will come to this debate—perhaps tomorrow morning—and say: We have this education recession. Woe is us. Our schools are failing. All across America, our schools are failing.

I think that is a disservice to our teachers and our schools. The fact is, we have a lot of wonderful teachers in the classroom. They are who we leave our children with every day, all day. I have been in many classrooms, and I think in almost every circumstance I have left that classroom with great admiration for those teachers who are committed, impassioned, and want to do a good job for those students.

But I have been in classrooms where teachers could not do a very good job because they had 35 children in the classroom—one teacher trying to keep track of 35 children and trying to provide some kind of individual educational opportunity. It is impossible with 35 children. We know it. You have to reduce class size to be more effective in educating children.

I have been in classrooms where the students' desks are an inch apart and where the building is 95 years old and was long ago condemned, where children can't have access to computers or the Internet because they do not have the capability of wiring those classrooms, and where you have 150 students and one water fountain and two bathrooms.

I have been in those schools. We know that is not an optimum way to teach children. So we ought to provide some assistance for the renovation of crumbling schools, for the renovation of those schools that are in disrepair.

Over half a century ago, those brave soldiers who fought and won the Second World War came back to this country and they fell in love. They got married and had children. They built schools all across this Nation. Those schools are now 50 and 60 years old. Those schools are in disrepair in many cases and need to be modernized. We need to do something to help make sure we remedy that.

Education is not some mysterious machine in which we pull some levers and turn some dials and we get it just right. Education has the element of three things, in my judgment, to work well: One, you have to have a teacher who knows how to teach; two, you have to have a student who really wants to learn; and, three, you have to have a parent involved in that student's education. If you do not have all three, it just does not work in almost all cases.

We need to do things to try to encourage the retention of good teachers and the development of new teachers. Some States are woefully inadequate when it comes to compensating teachers, and it is a shame. Teachers spend

all day with our children. I have children in sixth grade and eighth grade classes today. My children go to public schools, but I want them to go to good schools. Their public schools are good schools. They have wonderful, committed teachers. I want that to be the case in every part of our country.

One of the specific interests I have in the bill that we are going to be debating is the issuance of school report cards. I am joining a number of my colleagues—Republicans and Democrats—to work on a school report card that will go to parents, so that parents know which schools are failing and which are succeeding.

The fact is, we all get report cards on our kids. We know how our kids are doing in math, in science, civics. We know that because they go to school, they come back home, and then they get a report card every 6 weeks to 9 weeks. And that report card says: Here is how your son or daughter did in mathematics. And it is an A, B, C, D or, God forbid, an F, but it is an assessment of how that child is doing.

There is no similar uniform requirement for American parents or taxpayers to get a grade on how well their school is doing.

How is my school doing versus a school in the next county or another school in the same city, or how are the schools doing in my State versus school systems in another State. Don't we deserve the opportunity to see how well we are doing? Shouldn't we have an assessment of how well the schools are doing? How about a report card for schools? Some States have report cards, but their contents are wildly diverse. There is no consistency at all, and there is no capability for parents to get a good measurement.

School report cards ought to include graduation and retention rates. That has something to do with evaluating whether schools are serving our kids well. Qualifications of teachers, average class size, school safety, parental involvement, those are some of the pieces of information we can give parents and taxpayers to provide them an understanding of what we are getting from this school system of ours. Are we getting what we want from the school system? Are children getting what they need from the school system?

Our rural schools face some unique challenges that we need to help them address. Many of my colleagues come from areas where the need to reduce class size is crucial because there are so many children coming into the school system they can't handle them, but many rural schools have the opposite problem. Last week, I mentioned that my hometown is closing its high school. My hometown high school is closing. They had the last high school prom on April 7.

When I graduated many years ago, I was in a high school class of nine. Now, of course, there are not enough students in those four grades in that high school to continue the school. Those

kids will be going to neighboring towns to high school. They held their last prom and will hold those memories for many years, but the Regent High School will no longer exist.

In rural counties, the issue is: how do you pay for a school in which you have nine students in a grade or in some cases two or three students in a grade. That is a separate issue, one we should be concerned about as well.

There are many challenges. But in this debate, unlike some others, everyone will come to the floor wanting the same thing. We share exactly the same goal. We want to do well by our children and to have the finest school system in the world. Some will say: You can't throw money at it. I agree with that. But we can't expect to do what we want for our children without being willing to fund some of the needs as well. That is the other side of the coin.

Some will say: The way to solve this issue is just to provide vouchers and let parents take their children to private schools if they want to do that. Of course, those who say that went to a school that taught arithmetic that was different than my arithmetic. The numbers just don't add up. If you give someone a \$1,500 voucher and that is all, can a student show up at a private school and be welcomed with open arms. Does the private school say: Welcome, we can provide a really good education for \$1,500. That just does not happen. Private schools are much more expensive than that. If we are truly going to decide to leave no child behind, how can we possibly suggest that the solution to a bad school is to take the few kids out of that school who are given a voucher and leave all the rest of the kids behind. That is not "leave no child behind." That is just leaving whole schools behind.

We can do a lot better than that. The country expects us to do better than that.

Some will search for simple answers when, in fact, the answers are not always very simple. This requires our attention.

It is time to address this issue. It is time for us to debate, offer amendments, and reach a consensus in the Senate about what direction we want the country to go with respect to the education of our children.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. the clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Ms. COLLINS. Mr. President, I now ask unanimous consent there be a pe-

riod of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RETIREMENT OF CHIEF ROBERT LANGSTON

Mr. THURMOND. Mr. President, I rise today to recognize the dedicated service of my good friend and committed public servant, Chief Robert E. Langston, upon his retirement from the U.S. Park Police Force. After 35 years on the force, including the last 10 years as chief, Robert Langston stepped down earlier this month a day prior to his 60th birthday, the mandatory retirement age for all Park Police officers. He leaves behind an impressive legacy of dedication, integrity, commitment, and success as the leader of one of the oldest law enforcement agencies in the country.

Robert Langston was born and raised in Washington, D.C., and joined the Park Police shortly after he graduated from Florida State University at the young age of 24 years old. Through hard work and dedication he gradually ascended to the impressive rank of U.S. Park Police Chief.

As chief, he oversaw the policing of the national park grounds in Washington, New York, and San Francisco. He worked tirelessly and sacrificed much in order to ensure the safety of the thousands who used or visited these grounds, and the agency flourished under his leadership. Chief Langston consistently went above the call of duty to make sure all Americans, and anyone visiting our Nation from abroad, would be safe while on the national park grounds.

He is to be commended for his exemplary service to the U.S. Park Police Department, and to this fine Nation. The force is stronger because of Chief Langston's dedicated leadership, and he can take great pride in all that he accomplished during his noteworthy tenure. Chief Langston has made countless contributions to the U.S. Park Police Department during his distinguished career. He has been a friend, teacher, and a model of excellence to the many fine men and women who had the honor to serve alongside Chief Langston. Bob Langston is a great man and a truly great American. He was an asset to the U.S. Park Police, and I am certain that though his presence will be missed, his influence will continue for generations to come.

BRINGING SOUTH DAKOTA'S STRENGTH TO THE WORLD'S CHALLENGES

Mr. DASCHLE. Mr. President, today I share with my colleagues a summary of the key findings from our recent official congressional delegation trip to North Africa, Turkey, Greece and Macedonia. Those findings are outlined below, and they relate to opportunities

for trade and investment in North Africa as well as prospects for rapprochement between Turkey and Greece and the admirable efforts of our troops to bring peace and stability to Kosovo. I have already shared these findings with the Secretaries of Defense and State and am glad to do so now with our colleagues in Congress. We had a number of substantive discussions on this trip that I believe will contribute to U.S. policy in these two important regions of the world.

I am proud of, and grateful to, all the American personnel with whom we worked. They facilitated the educational value of the trip and are true ambassadors for their country abroad.

I especially want to call the Senate's attention to the South Dakotans I visited on this trip. On a daily basis, South Dakotans are improving the lives of people struggling with drought in southern Morocco and picking up the pieces after ethnic conflict in Kosovo. I am impressed by the way individual South Dakotans are helping people throughout the world get another chance at a better life.

In 1999 and 2000, Morocco suffered its most severe drought in a decade. Drought in Morocco, where 20 percent of the GDP is accounted for by agriculture, and roughly half the population is employed in agriculture, extracts a steep human toll.

In that environment, experienced farmers, who have lived through and conquered the challenges of drought, can be the key to saving a crop, not to mention lives. Imagine the good fortune for the Moroccan community just outside of Essaouira when they were assigned two Peace Corps volunteers from Brookings, South Dakota, with several decades of experience in farming. Just a few years ago, after raising their children and putting them through school, Frances and Harris Davis sold their family farm in Elkton, SD and joined the Peace Corps. They joined, in the words of Fran Harris, to give back some of the blessings they had received in their years as farmers in Elkton.

For more than two years, family by family, the Davises have been improving the lives of countless Moroccans. They have helped Moroccans with land and water management in the midst of a crippling drought. Because tools are scarce in their region, they have become a resource to cash-strapped farmers throughout southeastern Morocco. And using the experience they gained making their own farm vehicles work, they have even been mechanics for numerous vehicles, including the water truck in a thirsty town.

Not only are the people they have helped much better off. The United States, because of the goodwill that Fran and Harris have generated, is also better off.

And the same is true of the three South Dakotans, and their families, I met at Incirlik Air Base in Adana, Turkey. These individuals are key mem-

bers of U.S. Operation Northern Watch, ONW, an operation that has been successful in protecting Turkey's Kurdish minority for much of the last decade.

Col. Maurice H. Forsythe, born in Brookings and a graduate of South Dakota State University, was deployed to Incirlik with his wife Tamara and their son Riley. Colonel Forsythe was Combined Forces Air Component Commander for Operation Northern Watch, coordinating all flight activity out of Incirlik. Notwithstanding an Iraqi bounty of \$14,000 for any Iraqi who downs a ONW aircraft, the U.S., Great Britain, Turkey coalition has not yet lost an aircraft, a tribute to Col. Forsythe's leadership and hard work.

Captain Pat Castle, of Sioux Falls, was deployed to Incirlik last year. While Captain Castle fulfills his duty with the Air Force, he and his wife Angie are also raising their 1-year-old daughter Paige on the base at Incirlik. Senior Airman Krissy Sayles of Lead, SD, was also deployed to Incirlik late last year from Shaw AFB in South Carolina. Krissy Sayles provides logistical support to the U.S. and British personnel and airplanes that are enforcing the no-fly zone in Iraq and has provided the same service in assignments throughout the Middle East. Compounding her sacrifice, her husband, also in the Air Force, remains in the U.S. while Senior Airman Sayles works halfway around the world in Turkey.

Paul E. Poletes, also of Sioux Falls, is a diplomat in the U.S. Foreign Service stationed at the U.S. Embassy in Athens. Paul Poletes is responsible for making sure that U.S. personnel in Athens have the infrastructure they need to advance U.S. interests in Greece and the European Union. Paul and his wife were recently assigned to Bangladesh, where he will work to advance the interests of the United States as well as help Bangladeshis, one of the world's poorest countries.

Our delegation also visited Camp Able Sentry in Skopje, Macedonia to meet with the U.S. and NATO personnel who have done so much to stabilize Kosovo. U.S. Army Sergeant Jonnie D. Larsen, a 1989 graduate of Menno High School, was deployed to Kosovo with his battalion from Baumholder, Germany. U.S. Army Platoon Sergeant Michael Mewherter, from Bowdle, SD and a 1987 graduate of Clear Lake High School, was also deployed to Kosovo from Fort Bragg, NC.

Among the many compliments for the hard work of Americans serving in Kosovo we heard on our trip, two stand out. The first was from KFOR Commander, Italian General Cabigiosu, who said the U.S. component was the glue that kept NATO's KFOR together. And the second is from the children of Kosovo, who admire Sergeant Larsen, Staff Sergeant Mewherter and the rest of the American servicemen and women as the force that returned their stability and their future.

We ask our servicemen and women like Jonnie Larsen and Michael

Mewherter to do a lot. Time and again, including this time, when both these young men were deployed to Kosovo for several months without their families, they respond.

Americans from each and every state are having a positive impact on the lives of people the world over. I was fortunate to see how these seven individuals from South Dakota have done such a fine job. Their efforts make me proud, America stronger and the world better.

I ask unanimous consent that a summary of the key findings from our recent official congressional delegation trip to North Africa, Turkey, Greece and Macedonia be inserted in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

CODEL DASCHLE TO MOROCCO, TURKEY, GREECE, MACEDONIA AND PORTUGAL, FEBRUARY 16-25, 2001

From February 16 to February 25, Senate Democratic Leader Tom Daschle, SD, led a Senate delegation on an official visit to Morocco, Turkey, Greece, Macedonia and Portugal. The delegation also included Sen. Harry Reid, NV, Sen. Tom Harkin, IA, Sen. Kent Conrad, ND, Sen. Byron Dorgan, ND, and Sen. Barbara Boxer, CA. This trip report summarizes the findings of that trip.

Summary of key findings:

The U.S.-North Africa economic partnership initiative, commonly referred to as the Eisenstat Initiative, is a valuable effort to advance American trade and investment in a growing market. With 80 million people and a combined GDP of \$137 billion, there are good opportunities for U.S. companies to invest and trade in the countries of North Africa, and U.S. firms are beginning to reap the benefits of this initiative. U.S. firms are expanding in the energy, aircraft and telecom sectors in Morocco alone.

The U.S. should give consideration to other creative ideas in order to boost American involvement in North Africa markets, including debt for equity swaps. In any case, aggressive promotion of U.S. exporters and investors is a necessary counter to the traditional ties—and aggressive subsidies, of European influence in North Africa.

The American and British personnel that operate in Iraqi air space to enforce the no fly zone and to monitor Iraqi compliance with relevant United Nations Security Council resolutions do so at great risk.

The delegation is concerned that there is not an appreciation within Washington—in the Administration and in the Congress, for the extreme risk that American personnel undertake daily.

The bombing in southern Iraq above the 33rd parallel on February 16 was a justifiable response to increased Iraqi efforts to target U.S. and British planes, but the delegation expresses its strong regret that the Bush Administration did not consult, or even notify, Congress of the planned bombings. Given the strong international criticism of the containment of Iraq—which the delegation encountered during its trip—it behooves the Bush Administration to consult more closely with Congress so as to ensure domestic consensus on this critical issue.

The delegation is concerned that, two weeks after the initial disagreement that gave rise to the economic crisis in Turkey, there is as yet no plan to get Turkey's economy back on track. The underlying strength of the Turkish economy as well as the perseverance of the Turkish people will be tremendous assets in developing that plan.

In Greece, the government is taking important steps toward confronting the threat of terrorism in that country. Cooperation with international forces is increasing, but ultimately results in the fight against terrorism will be the key to easing U.S. concern about terrorism in Greece.

The delegation was impressed with, and proud of, the clear and positive impact of U.S. personnel in Kosovo. U.S. personnel make up a relatively small portion of the overall KFOR force, representing less than 15 percent of the total force and the trend of U.S. portion of the force is due to continue decreasing (the U.S. component will represent just 13 percent of the total force by 2001).

The U.S. and NATO leadership believe that the U.S. should maintain a presence in Kosovo for the foreseeable future. The U.S. leadership feared that a pull out of American forces would not only risk the successes to date in the Balkans, but that it would be a major blow to the NATO alliance.

The U.S. personnel involved in KFOR, from the general officers to the enlisted, also strongly touted the training benefits of this deployment, calling it the best possible training U.S. personnel can get. The U.S. leadership maintained that morale among U.S. forces in Kosovo is "sky high" and reported that re-enlistment rates among Army personnel in Kosovo is higher than anywhere else.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred July 4, 2000 in Grant Town, WV. Arthur "J.R." Carl Warren Jr., 26, an openly gay African American man, was brutally murdered. Warren, whose body was found on the edge of his hometown, was allegedly killed by two 17-year-old boys. Known to call Warren names considered racial epithets and anti-gay slurs, the boys allegedly beat him and repeatedly kicked him with steel-toed boots. They threw him in a car and drove across town, ignoring his pleas to be taken home, which they passed on the way to the gravel pullout where they savagely kicked him and then ultimately killed him by driving back and forth over him. Neither current federal law nor West Virginia's hate crimes law include sexual orientation.

Mr. President, 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 GUARD COUNTERDRUG MISSION

Mr. GRASSLEY. Mr. President, as chairman of the Senate Caucus on

International Narcotics Control, I rise to commend the counterdrug efforts of the National Guard. The National Guard performs vital work to assist law enforcement with interdiction/eradication operations, including the manufacture, sale, use and importation, and demand reduction for drugs throughout our country.

Every day the National Guard has approximately 3,600 personnel on duty performing counterdrug work. The National Guard supports the President's counterdrug priorities, with special emphasis along the Southwest Border and designated High Intensity Drug Trafficking Areas (HIDTAs). In addition, the Governor of each State can assign the National Guard to unique local issues. Skills the National Guard brings include personnel, specialized vehicles and military equipment, logistical support, thermal imaging, intelligence analysis, translation, searching cargo containers at ports of entry, and listening/observation posts. Federal agencies typically supported include the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), the Customs Service, and the Border Patrol, while State and local agencies include highway patrols, country sheriffs, and local police departments.

The Department of Defense is prohibited by U.S. Code Title 10, under the Posse Comitatus Act, from military personnel enforcing State and local laws. The National Guard, under its United States Code Title 32 status, does not have this prohibition, although National Guard regulations do not allow direct involvement in law enforcement, such as arrest, apprehension, search and seizure. Since 1988, the Governor of each State submits a plan each year to the Department of Defense outlining the proposed use of the National Guard in support of counterdrug efforts. Currently, about 50 percent of the requests are able to be funded.

The National Guard also has an active demand reduction mission geared to helping youth avoid starting to use illegal drugs. These programs include involvement in schools and working with parent and community based anti-drug organizations. National Guard personnel serve as excellent citizen-soldier role models and also assist with mentoring, speakers bureaus, Adopt-A-School, Red Ribbon, and PRIDE events. Last year the National Guard had contact with tens of thousands of youth.

I am proud of the role the National Guard and its citizen-soldiers performs in our vital counterdrug programs.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 27, 2001, the Federal debt stood at \$5,678,255,839,065.80, five trillion, six hundred seventy-eight billion, two hundred fifty-five million, eight hundred thirty-nine thousand, sixty-five dollars and eighty cents.

One year ago, April 27, 2000, the Federal debt stood at \$5,680,311,000,000, five trillion, six hundred eighty billion, three hundred eleven million.

Twenty-five years ago, April 27, 1976, the Federal debt stood at \$600,159,000,000, six hundred billion, one hundred fifty-nine million, which reflects a debt increase of more than \$5 trillion, \$5,078,096,839,065.80, five trillion, seventy-eight billion, ninety-six million, eight hundred thirty-nine thousand, sixty-five dollars and eighty cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO LARRY FAVINGER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Larry Favinger of York, ME, on the occasion of his retirement from the Portsmouth Herald newspaper.

For thirty-five years, Larry has enjoyed an illustrious career as a journalist with the Portsmouth Herald serving as a news reporter, sports editor and city editor for the newspaper. Larry has been a mainstay at the newspaper and has earned the respect and admiration of his peers. Early in the 1990's Larry opened the York bureau of the Portsmouth Herald and worked to establish the Herald's identity as a newspaper in Maine as well as one in New Hampshire.

It has been a pleasure for me to work with Larry on the issues that affect the citizens of New Hampshire, especially those which concern the Portsmouth Shipyard. Larry has always approached the issues that we have discussed with professionalism and fairness. I am proud to have known him and to have worked with him during my tenure in public office.

An exemplary community contributor, Larry has been active in following the progress of hometown young people in athletic and cultural activities, always supporting their achievements by writing updates for Herald readers to enjoy.

I also commend Larry for his service to his state and nation in the United States Air Force, where he served in Japan and was stationed at Pease Air Force Base in New Hampshire.

It is an honor and a privilege to serve Larry Favinger in the United States Senate. I wish him and his wife, Rose Ann, Godspeed in his retirement and in all of their future endeavors.●

IN RECOGNITION OF SAUL A. GREEN

• Mr. LEVIN. Mr. President, I am delighted to speak today to acknowledge a lawyer, from my home State of Michigan, who has dedicated his life to serving the citizens of Detroit, Saul A. Green. On May 2nd of this year, hundreds of people will gather to pay tribute to Saul A. Green for his service as U.S. Attorney for the Eastern District of Michigan.

Saul Green has dedicated his life, both professionally and personally, to the service of his community. Since graduating from the University of Michigan law school in 1972, Saul has been a lawyer dedicated to serving the public interest. He began his career in the law as an Assistant United States Attorney. However, he quickly became chief counsel for the Detroit Field Office of the U.S. Department of Housing and Urban Development. He served in this capacity from 1976 until 1989 when he was asked to serve as the Wayne County Corporation Counsel.

It was while serving as corporation counsel that President Clinton nominated Saul to be the U.S. Attorney for the Eastern District of Michigan. His nomination was confirmed by the Senate on May 6, 1994. The position of U.S. Attorney is not an easy one for it requires that one enforce and interpret the laws of our great Nation. Difficult as this position may be, for nearly 7 years Saul capably and honorably served as U.S. Attorney.

In addition to these activities, Saul Green is a leader in his church and with numerous community projects. He has worked on several Weed and Seed projects in the Eastern District of Michigan, sponsored an Explorer Scouts Troop and worked with a Drug Education Youth Camp. On account of his leadership with these projects, he received the Damon J. Keith Community Spirit Award. Saul is also a life member of the NAACP.

Saul has been an active alumnus of his alma mater, the University of Michigan. In addition to serving on the university's board of directors, he currently is the vice president of the U of M alumni association. His devotion to the maize and blue was acknowledged in 1994 when the University of Michigan awarded him the Leonard F. Sain Esteemed Alumni Award.

I hope my Senate colleagues will join me in saluting Saul A. Green for his career of public service, particularly the commitment to justice and law enforcement he embodied while serving as U.S. Attorney for the Eastern District of Michigan for nearly 7 years.●

RECOGNIZING FABIAN CHAVEZ, JR.

● Mr. DOMENICI. Mr. President, recently during the 45th Session of the New Mexico State Senate, Fabian Chavez, Jr., was honored for his many accomplishments. This recognition coincided with the 40th anniversary of the founding of the University of New Mexico's School of Medicine and the establishment of an Endowed Chair for Population Health Research at the school, in his honor.

Fabian Chavez should be commended for his many years of service. He served for 10 years in the New Mexico legislature, including 2 years in the house of representatives and 8 years in the State senate, elected to the position of senate majority floor leader during his tenure. During these years in the New

Mexico State legislature, he fought to reform the Justice of Peace System and Liquor Control Laws. In 1961, he began appropriations to start the University of New Mexico's School of Medicine. His many accomplishments are far too many to list individually, but are visible on a daily basis.

Because of his dedication, his fellow colleagues continue to look to Fabian for advice, counsel, and guidance, usually receiving immediate response without any hesitation.

He has continued his devotion by serving as the State Insurance Superintendent, the Assistant U.S. Secretary of Commerce, the State Department of Development Director and the State Tourism Director. He is happiest when he is pursuing a goal in the name of justice, in particular in his role on the board of directors of the Public Employees Retirement Association.

Fabian Chavez is not only a great Public Servant, but a friend to the people of New Mexico. I commend Fabian for his hard work and have the privilege of joining with the New Mexico State Legislature in congratulating Fabian on this special occasion.

I ask that the Congratulations Resolution passed by the New Mexico Legislature be printed in the RECORD.

The resolution follows:

SENATE RESOLUTION

Whereas, Fabian Chavez, Jr., has devoted his adult life to Public Service, serving in the New Mexico Legislature for Ten Years, including Two Years in the House of Representatives and Eight Years in the New Mexico State Senate; and

Whereas, "Fabian," as he is simply known to everyone who has had the pleasure of meeting him, also served as the State Insurance Superintendent, the Assistant United States Secretary of Commerce, the State Department of Development Director and the State Tourism Director; and

Whereas, Fabian is happiest when he is bucking the System to pursue a goal in the Name of Justice, a characteristic that he displays to this day in his Role on the Board of Directors of the Public Employees Retirement Association; and

Whereas, Fabian distinguishes himself at virtually everything he does, as evidenced by everything from the Five Battle Stars he earned during his Career in the Army and his Election by his colleagues to the position of Senate Majority Floor Leader; and

Whereas, Fabian's Legislative Accomplishments, which are too many to list, are highlighted by his reform of the Justice of the Peace System and Liquor Control Laws, his work on Anti-Discrimination Laws and an Appropriation in 1961 to begin the University of New Mexico School of Medicine; and

Whereas, on this, the Fortieth Anniversary of the Founding of the School of Medicine, Fabian Chavez, Jr., is being Honored with an Endowed Chair for Population Health Research at the School; and

Whereas, the Members of the Senate of the State of New Mexico, who are still privileged to receive Advice, Counsel and Guidance from Fabian, almost all of it Unsolicited, continue to consider Fabian as not just a Friend, but also as a Trusted Colleague in Public Service; and

Whereas, the Senate takes Great Pride in being able to be Associated with Fabian Chavez, Jr.: *Now, therefore, be it Resolved by the Senate of the State of New Mexico, That Fa-*

bian Chavez, Jr., be Thanked for all his work on behalf of the Residents of the State of New Mexico and that he be Congratulated for the Latest Recognition he has received.●

RETIREMENT OF BILL GEORGE AS CEO OF MEDTRONIC CORPORATION

● Mr. WELLSTONE. Mr. President, I rise today to praise Bill George, a constituent who is a valued member of the Minnesota community and a good friend, on the occasion of his retirement as CEO of Medtronic Corporation.

The first comment I should make is that there is something very unique about Bill George and that uniqueness has translated into the way he has led Medtronic.

Medtronic is one of the world's leading medical technology companies, providing lifelong solutions for people with chronic disease. Its preeminence is due in large part to the leadership of Bill George, its CEO since 1991. During his tenure, Bill George has transformed Medtronic into a company that employs 25,000 people in 120 countries, and has scientific, manufacturing, education, and sales facilities worldwide.

The company has extended its core technological competencies so that they now make pacemakers and a whole host of devices for patients facing cardiac arrest and heart failure. The company also makes devices for patients dealing with spasticity associated with cerebral palsy, cancer and cancer pain, neurological disorders like Parkinsons, and women's health conditions like incontinence. Bill George's philosophy of excellence has led the company to seek those opportunities where it can excel. The products it has produced and the relief it has brought to patients testify to the success of Bill's philosophy.

I am told that every three seconds, somewhere in the world, a Medtronic product is used to save or enhance someone's life.

Bill George doesn't just think about his company and its future. He has a vision for the health care system in this country and has worked to align the company's goals with that vision. His vision of holistic, patient-centered care that is enabled by the technological leaps we are making today is reflected in the planning he has done for the future. Bill instituted Vision 2010 to focus Medtronic on the nexus of the rapid developments happening in medical technology, computer technology, drug therapy and gene therapy in order to develop even better, more advanced treatments for chronic diseases in the next 10 years.

During Bill's tenure, Medtronic has encouraged innovation by launching a "Science and Technology Are Rewarding" program, with \$3 million in grants. Under Bill George's leadership, the Medtronic Foundation has reached out to patient groups in unprecedented ways, giving \$12 million in grants to non-profit organizations in communities worldwide last year. I want to

single out the Patient Summit that the Medtronic Foundation sponsored in Washington, D.C. last year. I had the honor of speaking at that meeting, whose purpose was to encourage a dialogue between patients, policymakers, and advocacy groups about the role patients can play in directing their own health care.

As a fellow Minnesotan, I've watched Bill's personal efforts in the community with much admiration. His service as chair of the board of the United Way of Minneapolis and vice chair of the board of the Minneapolis Institute of Arts, as well as his work on the boards of the American Red Cross and the Carnegie Endowment for International Peace show Bill's dedication and breadth of interests.

Bill's lifestyle, his mission, and his vision are all reflected in the recognition Medtronic regularly receives. *Fortune Magazine* designated Medtronic as one of the "Best Companies to Work for in America". *Industry Week's* ranked it as one of the "Best Managed Companies." *Money magazine* chose Medtronic as one of the "Best Investments in 2000 and Beyond." *Business Ethics* recognized the company for its demonstrated leadership in ethics and social responsibility with its "General Excellence in Ethics" award.

In his 10 years as CEO, Bill George has helped to expand Medtronic to an even higher plane as an organization that is dynamic, creative, and passionate about its mission of restoring people to full life and health.

As the Senior Senator from Minnesota, I thank him for his dedication to his work, for his service to his community—and I don't mean just Minneapolis or Minnesota, but the whole international community in which he is engaged, and for his friendship. I wish him well as he continues his active life which not only will include chairing Medtronic's board and involvement in community service, but also writing and teaching.●

TRIBUTE TO KEVIN GRAY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Kevin Gray of Canterbury, NH, for being honored as the 2000 Sportswriter of the Year by the members of the National Sportscasters and Sportswriters Association.

A native of Plymouth, NH, Kevin is a sports communications graduate of the University of New Hampshire. He has been employed at *The Union Leader* newspaper for over six years and is a columnist and feature writer for the newspaper. Kevin writes a popular weekly column for the *Union Leader* on the paper's "Get Out" page and is also a member of the *Union Leader's* motor sports coverage team for Winston Cup events at New Hampshire International Speedway.

Kevin is known in high school and football circles in New Hampshire for his columns, "High School Hoopla" and

"Between the Lines". He has covered notable assignments in the sports arena including the NCAA men's basketball tournament, the Winter X Games at Mount Snow, VT and regular coverage of Boston Red Sox home games.

Active in community service, Kevin often speaks with English classes at journalism workshops throughout New Hampshire, ranging from middle school to college level audiences.

Kevin and his wife, Tareah, reside in Canterbury, NH. It is an honor and a privilege to serve Kevin Gray in the United States Senate. I wish him much success in his future endeavors.●

TRIBUTE TO THE MILFORD HIGH SCHOOL STUDENTS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 13 students from Milford High School in Milford, NH, who were recently selected to compete in the national finals of the "We the People . . . the Citizen and the Constitution" program held April 21-23, 2001, in Washington, DC. These high school students competed on the State level for the opportunity to represent New Hampshire at the national competition, and were among more than 1,200 students from 49 States and the District of Columbia to participate.

The distinguished members of the team representing New Hampshire are: Catilin Allen, Jeremy Berger, Aaron Costa-Ganis, Mike Danner, Tiffany Fariole, Chris Lawler, Jason Lewis, Sean Parenti, Keith Parker, Todd Rounsaville, Sarah Rush, Dawn Staiti and Irene Drenko.

All 13 New Hampshire students were tested on the Constitution and Bill of Rights before simulated congressional committees to demonstrate their knowledge of constitutional principles and their relevance to contemporary issues. The competition in Washington consisted of 2 days of hearings; and 10 finalists, with the highest scores, competing for the title of national winner on Capitol Hill in a congressional hearing room.

David Alcox, a teacher at Milford High School and District Coordinator, also deserves special recognition for helping these students prepare for the intense constitutional testing. Kirsten Hale, the State coordinator, also contributed a significant amount of time and effort to help the students reach the national finals. As a former teacher myself, I applaud all of them on their commitment to enriching the lives of these students.

The "We the People . . . The Citizen and the Constitution" program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. We are proud to have them representing New Hampshire, and wish them luck as they prepare to be America's leader in the 21st Century.●

TRIBUTE TO GENE AND JIM BURDICK

● Mr. JOHNSON. Mr. President, I rise today to recognize the accomplishments of Gene and Jim Burdick of Redfield, SD. The Burdick brothers are being honored this week as the South Dakota Small Business Persons of the Year.

Gene and Jim understand what many business owners have learned. Owning a business requires some talents, some know how, and a lot of hard work and perseverance. Like many small business owners, their enterprise is a family effort for the brothers and their wives, Lucy and Deborah. I congratulate the families and the employees of this company on their years of achievement.

In 1984, the brothers embarked on a business partnership and founded Burdick Brothers, Inc. They built a business constructing trailers and custom equipment for area farmers, businesses, and individuals. Through the years, they cultivated a reputation as a company dedicated to innovation and customer service.

In 1987, the company purchased its first building. Three years later, their successes were adding up and Burdicks were adding to the size of their building. In 1998, they moved into a second building with 12,000 square feet. This new facility allowed for additional equipment and space that the company quickly utilized on a bridge project helping the community of Redfield rebuild a needed facility following disastrous flooding in the region.

Burdick Brothers, Inc. has been a valued member of the Redfield community for over 15 years. It is truly a South Dakota success story. I know that all those who contributed to the company's many achievements take great pride in the personal and collective accomplishments celebrated and recognized through this honor.

It is with great appreciation that I join with the community, the employees, the customers, and the many people who interact with the company, to congratulate Burdick brothers on their years of service and success. I wish Burdick Brothers, Inc. enduring good fortune and prosperity in the continued pursuit of excellence.●

TRIBUTE TO THE 2000 AIR FORCE ACADEMY FOOTBALL TEAM

● Mr. ALLARD. Mr. President, I rise today to pay tribute to the 2000 Air Force Academy football team and their outstanding head football coach Fisher DeBerry.

On May 4th, President Bush will present the Commander-in-Chief's Trophy to the members of last year's football team at the White House. The Commander-in-Chief's Trophy is the most prized possession of the three service academies. It is given annually by the President of the United States to the service academy with the best

record in the three-team competition between Army, Navy and Air Force. I am proud to say this is the fourth year in a row the Air Force Academy has captured the trophy and they have won 10 of the last 12 seasons.

The most important aspect of the 2000 Air Force Academy Football Team is each athlete on this team is a student first, and an athlete second. They play the game of football not to become an NFL star one day, but because they love the game of football.

Their leader is a modest southern gentleman named Fisher DeBerry whose life is driven not by football, but by his Christian faith and his family. In his 17 seasons as head football coach at the Air Force Academy he has guided his teams to an overall record of 135-72-1. He has won more football games than any other coach in service academy history and has taken the "fighting falcons" to an amazing 11 bowl games. In 1996, he served as president of the prestigious American Football Coaches Association.

The 2000 Air Force Academy football team demonstrated that hard work can overcome any obstacle. Despite being picked to finish in the lower half of their conference, they finished with an overall record of 9-3 and won a thrilling victory over Fresno State in the 2000 Silicon Bowl. Their perseverance is an inspiration to all us.

I commend the Superintendent of the Air Force Academy, General John Dallager and the Director of Athletics, Colonel Randy Spetman, along with all the coaches and players of the 2000 Air Force Academy football team for a job well done. You have set a standard of excellence that all of us should strive to achieve.●

TRIBUTE TO JIM O'NEIL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jim O'Neil of Merrimack, NH, on the occasion of his 30th anniversary as Superintendent of Schools in Merrimack, NN.

As a former teacher myself, I commend Jim's commitment to the young people of New Hampshire and the nation. Jim has been a dedicated member of the educational community for many years, beginning his teaching career in 1963. He has contributed selflessly to the betterment of education in New Hampshire, serving in teaching, athletic coaching and administrative positions for many years.

An exemplary community contributor, Jim has been actively involved in many educational associations and organizations. He has been a board member for the National Elementary Principal's Association, the New Hampshire School Administration Association, the New England Association of School Superintendents and was a member of the Governor's Commission on Public Education. He has also been faithful volunteer in Pop Warner football and Babe Ruth baseball in Merrimack, serving as a coach.

Jim received a Bachelor of Science degree from Boston College in Chestnut Hill, MA, and later earned a Master of Education degree from the State College at Boston.

Jim and his wife, Reggie, have four children and two grandchildren and have resided in the town of Merrimack, NH, for over thirty years.

It is an honor and a privilege to serve Jim O'Neil in the U.S. Senate. I wish him and his family Godspeed in his retirement and in all of their future endeavors.●

JUDGE WALTER M. HEEN—A LIFETIME OF ACHIEVEMENT

● Mr. INOUE. Mr. President, I rise today to share with my colleagues the contributions of a fine jurist, tireless community leader, and native son of Hawaii. Nearly 50 years of public service excellence have made Walter Meheula Heen an acknowledged leading citizen, a "special treasure" of the State of Hawaii.

Judge Heen's dedicated drive to build a better Hawaii was awakened as a law student at Georgetown University in the mid-1950s. The seeds of his commitment and service were planted in childhood by his father and his uncle, Ernest and William Heen, respectively, two patriarchs of social reform in plantation-era Hawaii. It was the Heens, along with Johnny Wilson and David Trask, Sr. who formed the core of the early Democratic Party in Hawaii.

Walter Heen's career as an elected official, state judge and U.S. district court judge includes remarkable accomplishments and historically significant achievements. Elected to the Territorial House of Representatives in 1958, the year before Statehood, Judge Heen served in the Hawaii legislature as a Representative until 1964 and was elected to the State Senate in 1966.

The "Democratic Revolution of 1954" was more than a headline or a slogan, is accurately conveyed the significant legislative agenda the new majority was committed to enact to affect fundamental changes to improve the social and economic character of the islands. Land reform, anti-trust, "Green Belt" land use, collective bargaining, and workers' compensation were to become the battle zones that would change the face of politics, legislation and the administration of justice across Hawaii. Walter Heen was on the front lines of those struggles. His cause, together with those whom he served, was to level the playing field of social and economic opportunities for all, regardless of race, class or religion.

Walter Heen served as a member of the Honolulu City Council from 1969 to 1972, including his selection as Council Chair in 1969-70. He left elective office in 1972 accepting an appointment to the State District Court, and then State Circuit Court in 1974-78.

Judge Heen's star continued to rise with his appointment as U.S. Attorney, District of Hawaii for 1978-80, and as

U.S. District Court Judge, District of Hawaii in 1981. He retired from a distinguished judicial career in 1994 after 12 years as Associate Judge of the State Intermediate Court of Appeals. During that period, Heen authored several opinions on important Hawaiian issues and had occasion to sit and add his voice to the deliberation of the State Supreme Court.

Always an active contributor to community affairs, Walter Heen was a founding member of the renaissance Democratic Party revolution beginning in 1950. It was a significant political movement that focused on changing the traditional unequal and unfair distribution of opportunities available to Hawaii's minority communities. Judge Heen carried this passion for leveling the playing field throughout his career of public service. More recently, Heen added his hand to exposing improper management and unethical practices at the Bishop Estate, a charitable trust charged with the responsibility of providing children of Hawaiian ancestry with educational opportunities and achievement. While controversial, his joint authorship of the milestone piece entitled "Broken Trust", successfully led to court ordered reviews of trust operations, and the ultimate improvement and accountability of the charitable trust.

Judge Heen's volunteer activities are broad and diverse, spreading across Hawaii's community concerns. As early as 1962, Walter was singled out as the Honolulu Junior Chamber of Commerce "Outstanding Young Man of the Year." Virtually at the same time, he was Chair of the State Bar Association Ethics Committee 1961-63, President of the University of Hawaii Alumni Association, and President of the Honolulu Hawaiian Civic Club. As a member of its Founding Board of Directors, Heen launched the Big Brothers of Hawaii program that has made an enormous contribution to supporting and mentoring thousands of youth in Hawaii.

Upon his retirement from the bench, Walter Heen has continued his public service. He served as a Director of the Native Hawaiian Bar Association, Advisor to the Native Hawaiian Advisory Council, co-counsel for Hawaiian water rights in the Waiahole Ditch dispute, member of the Public Access Shoreline Study Group, 1997-1998, and member of the Governor's Economic Revitalization Task Force. Currently, Heen is the acting Executive Director of the Office of Mauna Kea Management, lending a "community voice" and oversight to the maintenance and development of the University of Hawaii's astronomical facilities at Mauna Kea's summit.

In 1996, Walter Heen was tapped to serve as the Chairman of the Hawaii Democratic Party. It was a turbulent time for a political party that has dominated Hawaii's political scene for more than 50 years. Heen led us forward in a hotly contested gubernatorial election in 1998 and then a

host of targeted races in our State Legislature's lower house in 2000. Resources were scarce, and some would say that so were our passions and drive. Walter Heen has done a fine job under trying circumstances. He was a team player and a leader. He was the point, and the man in the background.

I believe the greatest legacy Walter Heen leaves Hawaii's Democratic Party is a growing, committed group of young Democrats, impatient and anxious to make improvements and changes, to make Hawaii the best place to raise a family, excel in a career, and enjoy the most beautiful environment and lifestyle in the world. He has worked diligently to establish and empower a new army of passionate young people to carry the Democratic torch forward.

Judge Walter Heen, and his family leaders before him, have played a pivotal role in helping to shape the Hawaii of today. It is leaders like Heen who have helped to chart a collective course for Hawaii's future, one that has allowed our island to take full advantage of high technology, while not forsaking our spirit of aloha.

I rise today to commend my dear friend, Walter Meheula Heen, for his lifetime of service.●

TRIBUTE TO SUSAN MEIDINGER

● Mr. JOHNSON. Mr. President, I rise today to recognize the many contributions and services of Susan Meidinger of Aberdeen, SD. Susan is being honored this week as South Dakota's Small Business Advocate of the Year, an honor for which she is very deserving.

Susan is a valuable asset to her community. She is a member of the American Institute of Certified Public Accountants, the South Dakota Society of CPAs and the Northeast Chapter of CPAs.

While raising three children, she took on the challenge of starting her own accounting firm. Through her commitment and dedication to her clients, the firm flourished. Susan measures her achievements not necessarily in the success of her business, but moreover, by the measure of how she can help her fellow businesses and clients achieve their own personal successes. It is not surprising, therefore, that her services are sought after.

Despite the demands of balancing the work of raising a family and owning a business, Susan is an active participant in her community. By regularly putting her skills and talents to work on behalf of local organizations, she strengthens local establishments and helps to promote growth and opportunity in the area.

Susan's work with the Small Business Development Center is an excellent example of why she is being honored for her work on behalf of Small Businesses. By volunteering her time and expertise, she helps entrepreneurs to achieve their aspirations and avoid

cumbersome pitfalls or missteps in their accounting practices. She offers advice, counseling, and mentorship that enhances opportunities for business growth and job creation which has had a positive impact on many families.

It is with great appreciation that I join with the community, the businesses, the customers, and those who know Susan Meidinger, to congratulate Susan for being honored as a Small Business Advocate of the Year. I wish Susan enduring good fortune and prosperity in the continued pursuit of excellence.●

IN RECOGNITION OF ROBERT O. ANDERSON

● Mr. DOMENICI. Mr. President, the Institute of the North recently held a ceremony to honor Robert O. Anderson and his lifetime of achievements. I, too, would like to add my appreciation for his many contributions to our Nation. Robert O. has earned renown as a petroleum executive, an environmentalist, a diplomat, a rancher, and a community leader. He began his career in the oil industry shortly after he graduated from the University of Chicago in 1939. In 1941, he and his family moved to my home State of New Mexico after he acquired an interest in a small oil refinery in Artesia. Within six months, he had more than doubled the production of the refinery. Though his innovation and experimentation was greeted with skepticism by many within the industry, Robert O. persevered and soon moved on to larger refineries, eventually becoming Chairman and CEO of Arco, the Atlantic-Richfield Company, all the while bringing robust economic development and hundreds of jobs to New Mexico.

At Arco, Robert O. was instrumental in bringing Alaska into the twentieth century. In fact, Alaska's history is closely intertwined with Arco and with Robert O. Anderson. Under his leadership, Arco discovered one of Alaska's greatest natural resources: the Prudhoe Bay oil field. As Arco developed the Prudhoe Bay, Robert O. surprised the environmental community by working with them to ensure that the pipeline was completed in an environmentally responsible manner. Throughout his career, Robert O. Anderson has brought economic prosperity to Alaska, while respecting and preserving its natural treasures.

In fact, the United States owes Robert O. Anderson a special debt of gratitude in our current era of energy crises. The U.S. depends heavily on the Prudhoe Bay oil field, which provides 25 percent of our domestic oil supply. When Prudhoe Bay was first discovered, skeptics claimed that the U.S. could do without its oil supply. They also claimed that the local wildlife would be irreparably harmed. And now, three decades later, the Prudhoe Bay area provides us with over 1.4 million barrels of oil a day. And virtually

every study has concluded that not one of the local species of wildlife has declined. Rather, every single species has thrived. Imagine the position the U.S. would be in if Robert O. had listened to these skeptics. Everyone agrees that we are too dependent on foreign sources of energy, but imagine how dependent we would be if it were not for Robert O. Anderson.

In addition to oil, Robert O. Anderson's other business interests have included cattle ranching, mining and milling, and general manufacturing. He has served on the board of directors of the National Petroleum Council since 1951 and has received numerous honors and titles recognizing his extensive charitable and community work. He has also served on the Board of Regents of the New Mexico Institute of Mining and Technology and currently serves on the National Advisory Board of the University of New Mexico Anderson Schools of Management, two fine institutions in my home state. Robert O. Anderson also founded the International Institute for Environmental Development to further his lifelong passion of preserving and protecting the environment.

Once again I thank Robert O. Anderson for his years of service to our State of New Mexico and to our Nation. He has a true American story. His hard work and determination have produced a proud legacy of accomplishments and public service.●

THE POSTAL EMPLOYEES OF THE NEW HAMPSHIRE PERFORMANCE CLUSTER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Postal Employees of the New Hampshire Performance Cluster, a group of dedicated public servants who have been recognized for exemplary performance of service duties. On April 3rd of this year, The Postal Employees of the New Hampshire Performance Cluster were recognized with the Postal Service's highest award, the Chief Operating Officer Award for overall excellence in the area of customer satisfaction.

I was proud to have attended the awards ceremony in New Hampshire last weekend, and was inspired by the dedication and commitment of the award recipients.

New Hampshire Postal Employees have been honored along with four other districts in the nation receiving the Order of the Yellow Jersey Award for Excellence in customer service. This prestigious award is based on the percentage of residential customers who rated the postal service employees as excellent in four areas: overall performance, courteous and friendly clerks, consistency of mail delivery and accuracy of mail delivery.

The Postal Employees of the New Hampshire Performance Cluster have provided dedicated service to the citizens of our state. The people of our

state look upon them with tremendous gratitude for all that they have done.

It is an honor and a privilege to serve the Postal Employees of the New Hampshire Performance Center in the United States Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1645. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to Departmental activities; to the Committee on Commerce, Science, and Transportation.

EC-1646. A communication from the President of the African Development Foundation, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1647. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-1648. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards" (RIN1904-AA77) received on April 25, 2001; to the Committee on Energy and Natural Resources.

EC-1649. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and the discontinuation of service in acting role for the position of Commissioner of Social Security; to the Committee on Finance.

EC-1650. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Commissioner of Social Security; to the Committee on Finance.

EC-1651. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Commissioner of Social Security; to the Committee on Finance.

EC-1652. A communication from the Secretary of Health and Human Services, trans-

mitting, a draft of proposed legislation entitled "HCFA Claims Processing User Fee Act of 2001"; to the Committee on Finance.

EC-1653. A communication from the Chief of Staff to the Acting Deputy Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Community Relations Service; to the Committee on the Judiciary.

EC-1654. A communication from the Chief of Staff to the Acting Deputy Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Commissioner, Immigration and Naturalization Service; to the Committee on the Judiciary.

EC-1655. A communication from the Chief of Staff to the Acting Deputy Attorney General, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Office for Victims of Crime; to the Committee on the Judiciary.

EC-1656. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Deputy Attorney General; to the Committee on the Judiciary.

EC-1657. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Legislative Affairs; to the Committee on the Judiciary.

EC-1658. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Antitrust Division; to the Committee on the Judiciary.

EC-1659. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a confirmed nomination for the position of Inspector General; to the Committee on the Judiciary.

EC-1660. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Solicitor General of the United States; to the Committee on the Judiciary.

EC-1661. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator, Drug Enforcement Administration; to the Committee on the Judiciary.

EC-1662. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Assistant Attorney General, Office of Justice Programs; to the Committee on the Judiciary.

EC-1663. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention; to the Committee on the Judiciary.

EC-1664. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Chair, Foreign Claims Settlement Commission; to the Committee on the Judiciary.

EC-1665. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Member, Foreign Claims Settlement Commission; to the Committee on the Judiciary.

EC-1666. A communication from the White House Liaison, Department of Justice, trans-

mitting, pursuant to law, the report of a vacancy and a nomination returned for the position of United States Parole Commissioner; to the Committee on the Judiciary.

EC-1667. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner; to the Committee on the Judiciary.

EC-1668. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and a nomination returned for the position of United States Parole Commissioner; to the Committee on the Judiciary.

EC-1669. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the Commission's operations and developments for Fiscal Year 2000; to the Committee on the Judiciary.

EC-1670. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, the discontinuation of service in acting role, and a nomination confirmed for the position of Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

EC-1671. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator; to the Committee on Environment and Public Works.

EC-1672. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator for Enforcement and Compliance Assurance; to the Committee on Environment and Public Works.

EC-1673. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator for Administration and Resource Management; to the Committee on Environment and Public Works.

EC-1674. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Administrator for Solid Waste and Emergency Response; to the Committee on Environment and Public Works.

EC-1675. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Administrator for Environmental Information; to the Committee on Environment and Public Works.

EC-1676. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of General Counsel; to the Committee on Environment and Public Works.

EC-1677. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Administrator for Water; to the Committee on Environment and Public Works.

EC-1678. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting,

pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Administrator for Air and Radiation; to the Committee on Environment and Public Works.

EC-1679. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant for Research and Development; to the Committee on Environment and Public Works.

EC-1680. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Administrator for International Activities; to the Committee on Environment and Public Works.

EC-1681. A communication from the Fisheries Biologist, Candidate Plus Team Leader, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Puget Sound Populations of Copper Rockfish, Quillback Rockfish, Brown Rockfish, and Pacific Herring" (RIN0648-XA63) received on April 10, 2001; to the Committee on Environment and Public Works.

EC-1682. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Arizona State Implementation Plan, Pinal-Gila Counties Air Quality Control District and Pinal County Air Quality Control District" (FRL6967-8) received on April 25, 2001; to the Committee on Environment and Public Works.

EC-1683. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Butte County Air Quality Management District" (FRL6958-1) received on April 25, 2001; to the Committee on Environment and Public Works.

EC-1684. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-1685. A communication from the Chairman of the Nuclear Regulator Commission, transmitting, pursuant to law, a report relative to Abnormal Occurrences for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-1686. A communication from the Acting Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, a report relative to internal accounting and financial controls for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-1687. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Red Mountain Viticultural Area" (RIN1512-AA07) received on April 26, 2001; to the Committee on Finance.

EC-1688. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules of Origin for Textile and Apparel Products" (RIN1515-AC80) received on April 26, 2001; to the Committee on Finance.

EC-1689. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Licenses for Certain

Worsted Wool Fabrics Subject to Tariff-Rate Quota" (RIN1515-AC83) received on April 26, 2001; to the Committee on Finance.

EC-1690. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Shark Drift Gillnet Fishery, Interim Final Rule; Request for Comments" (RIN0648-A076) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1691. A communication from the Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Incentive Grants for Use of Seat Belts" (RIN2127-AH38) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1692. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bowling Green, MO" ((RIN2120-AA66)(2001-0076)) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1693. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Bay City, TX" ((RIN2120-AA66)(2001-0075)) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1694. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-8 Series Airplanes" ((RIN2120-AA64)(2001-0185)) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1695. A communication from the Acting Director of the Trade and Development Agency, transmitting, pursuant to law, a report relative to financial statements for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1696. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Annual Performance report for Fiscal Year 2000 and the Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1697. A communication from the Interim Director of the Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the report of the Budget and Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1698. A communication from the Regulatory Contact for the National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "John F. Kennedy Assassination Records Collection Rules; Correction" (RIN3095-AB00) received on April 25, 2001; to the Committee on Governmental Affairs.

EC-1699. A communication from the General Counsel for the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of rule entitled "Employee Elections to Contribute to the Thrift Savings Plan, Participants' Choices of Investment Funds" (5 CFR Part 1600 and 1601) received on April 26, 2001; to the Committee on Governmental Affairs.

EC-1700. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Employee Elections to Contribute to the

Thrift Savings Plan; Participants' Choices of Investment Funds" (5 CFR Part 1600 and 1601) received on April 26, 2001; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-29. A joint resolution adopted by the Legislature of the Commonwealth of Virginia relative to the Electoral College; to the Committee on Rules and Administration.

HOUSE JOINT RESOLUTION NO. 651

Whereas, the remarkable events of the presidential election of 2000 summon all Virginians, of whatever political party or persuasion, to a renewed reflection on the principles of republican government and its ability to extend political liberty to a diverse and complex society; and

Whereas, the United States consists of one democratic people whose passion for political liberty is best preserved through republican and federal forms of government—including the election of the President; and

Whereas, the democratic interest is exercised through the ballot and the federal structure of our government is represented by the Electoral College; and

Whereas, the genius of the Electoral College was admirably defined by Virginia's James Madison in the *Federalist*, number 39:

"The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society."; and

Whereas, the dynamics of the Electoral College reflect the diversity of the nation and the healthy tension between the less populous vast regions of the United States and the urban centers embracing denser concentrations of its populations; and

Whereas, the Electoral College and the federal structure of government ensure a balance of power among the states and between the states and the federal government; and

Whereas, this complex and finely balanced structure serves to protect the nation's republican form of government and permits its citizens to enjoy an unequalled degree of democratic liberty; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia express its commitment to the principles represented by the Electoral College, for its embodiment of the well-balanced framework of this nation's state and federal governments, and for its role in assuring the presentation of the liberty enjoyed by all citizens; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation, in order that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

Resolved further, That the Clerk transmit copies of this resolution to the legislatures of the other states that they may be informed of this action by the General Assembly and requested to adopt a similar resolve; and, be it

Resolved finally, That the Clerk transmit a copy of this resolution to the Superintendent of Public Instruction for circulation to the teachers of history and government in the

Commonwealth's schools so that Virginia's students may be acquainted with the principles of this nation's republican and federal form of government and the role of this Commonwealth's leaders in the framing of the Electoral College and this nation's well-designed system of ordered liberty.

POM-30. A resolution adopted by the House of the Legislature of the Commonwealth of Virginia relative to the Railroad Retirement and Survivors' Improvement Act; to the Committee on Rules and Administration.

HOUSE RESOLUTION NO. 39

Whereas, the Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the Virginia Congressional Delegation; and

Whereas, more than 80 United States senators, including Senator John W. Warner and Senator Charles S. Robb, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 748,000 beneficiaries nationwide, including over 21,500 in Virginia; and

Whereas, railroad management, labor and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

Whereas, this legislation provides benefit improvements for surviving spouses of rail workers who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees; now, therefore be it

Resolved by the House of Delegates, That the Congress of the United States be urged to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution for presentation to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia House of Delegates in this matter.

POM-31. A joint resolution adopted by the Assembly of the State of Nevada relative to sports wagering; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION

Whereas, Illegal gambling on college sports has been identified as a serious national problem, particularly illegal gambling by college students and other underage persons; and

Whereas, According to the National Collegiate Athletic Association, there are student bookmakers on virtually every college campus in the United States; and

Whereas, The State of Nevada, pursuant to an express provision of the Professional and Amateur Sports Protection Act enacted by Congress in 1992, has licensed and regulated a sports wagering industry and has enacted controls that serve to assist its sports books in maintaining honest operations; and

Whereas, The sports books in this state have demonstrated their effectiveness in providing a defense against illegal gambling on college sports through the identification of suspicious wagering activities and the dis-

covery of point-shaving schemes in college sports; and

Whereas, Without the vigilance of the sports books in this state and their notification of law enforcement authorities, certain point-shaving scandals in college sports might not have been uncovered and certainly would not have been discovered so quickly; and

Whereas, The sports books in this state operate under the strictest regulatory controls in the United States, including the most demanding reporting requirements for transactions and suspicious activities and computerized bookmaking systems that document every wager received, every win paid out, the results of each sporting event and every change in odds; and

Whereas, Legal wagers with the sports books regulated by this state, which amount to approximately \$2.5 billion each year, are dwarfed by the amount of illegal sports wagers in this country, which are estimated by some sources to exceed \$350 billion each year; and

Whereas, There have been no reports of student bookmakers on any college campus in this state contributing to the flood of illegal sports wagers; and

Whereas, There have been efforts in Congress that seek to take away from the State of Nevada the constitutionally derived authority recognized by the Professional and Amateur Sports Protection Act with respect to wagering on college sports conducted within the State of Nevada; and

Whereas, The repeal of that exemption would have an adverse effect on the economy of this state and the jobs of a number of its residents, would deprive this country of a vital defense against illegal sports wagering and would lead to an increase in illegal sports wagering; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to refrain from enacting any measure that would repeal the ability of the State of Nevada to license and regulate sports wagering in its current form, thereby inflicting damage upon both the State of Nevada and the national fight against illegal gambling; and be it further

Resolved, That the Nevada Legislature hereby urges Congress to enact the National Collegiate and Amateur Athletic Protection Act of 2001, sponsored by United States Senators John Ensign and Harry Reid and United States Representatives James Gibbons and Shelley Berkley and others, thereby enhancing the ability of the nation to identify and address illegal wagering on college sports; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM-32. A resolution adopted by the Senate of the Legislature of the State of Mississippi relative to the Federal Unified Gift and Estate Tax; to the Committee on Finance.

SENATE RESOLUTION NO. 15

Whereas, the Federal Unified Gift and Estate Tax generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance and, in fact, has been shown to decrease those federal revenues from what they might otherwise have been; and

Whereas, this "Death Tax" has been identified as destructive to job opportunity and expansion, especially to family farmers; and

Whereas, this "Death Tax" causes severe hardship to growing family businesses and family farming operations, often to the point of partial or complete forced liquidation, thereby depriving state and local governments of an important ongoing source of revenue; and

Whereas, critical state and local leadership assets are unnecessarily destroyed and forever lost to the future detriment of the community through relocation or liquidation; and

Whereas, local and state schools, churches and numerous other charitable activities would greatly benefit from the increased employment and continued family business leadership; Now, therefore, be it

Resolved by the Senate of the State of Mississippi, That we do hereby request that the Congress of the United States repeal the Federal Unified Gift and Estate tax effective immediately; and be it further

Resolved, That the Secretary of the Senate transmit certified copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, to the President of the United States Senate, to the Secretary of the Treasury of the United States and to each member of the Mississippi delegation of the United States Congress.

POM-33. A resolution adopted by the Senate of the Legislature of the State of Kansas relative to Gulf War illness; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 1824

Whereas, Nearly 700,000 members of the United States armed forces, including 7,500 Kansans, deployed to the Persian Gulf region during 1990 and 1991 to participate in Operation Desert Shield and Operation Desert Storm to liberate Kuwait; and

Whereas, These Gulf War veterans have been, and continue to be, afflicted by an abnormally high rate of unexplained health problems. To date federal research efforts have not identified the prevalence, patterns, causes or treatments for illnesses suffered by Gulf War veterans. Yet thousands of our veterans continue to suffer from a variety of chronic symptoms, and

Whereas, The Kansas Persian Gulf War Veterans Health Initiative, a project of the Kansas Commission on Veterans Affairs, primarily through the efforts of Dr. Lea Steele, has completed a scientific study of 2,000 Kansas Gulf War veterans with the results being published in the American Journal of Epidemiology. The findings of this study indicate that: Kansas Gulf War veterans have significantly more health problems than veterans who served in other areas and that these conditions may have been caused by multiple factors; and

Whereas, While it has been established that Gulf War veterans suffer from an abnormally high rate of unexplained health problems, the cause or causes of these varied conditions have not been determined, and the system for providing care and treatment of these veterans has been inadequate or non-responsive to the conditions presented; and

Whereas, Gulf War illness has had a severe negative impact on the physical and emotional well-being of Gulf War veterans, and has affected their ability to work, yet adequate compensation for these conditions has not been received by these veterans; and

Whereas, Service connected illnesses have not been addressed adequately for veterans of past wars and conflicts; Now, therefore, be it

Resolved, by the Senate of the State of Kansas: That we memorialize the President and the Congress of the United States to provide funding for Gulf War illness research

independent of that administered by the United States Departments of Defense and Veterans Affairs; and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and

Be it further resolved: That we urge further assistance to veterans afflicted with Gulf War illness, whether by the Department of Defense, Department of Veterans Affairs or another designated organization, to provide badly needed health care, vocational assistance and disability compensation; and that there be public service announcements informing veterans across the nation of the findings of this research and informing the veterans of the programs that are available to help them; and be it further

Resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, and to each member of the Kansas Congressional delegation; to the Governor of the State of Kansas, the Secretary of Health and Environment, the Secretary of Human Resources, and the Chairman of the Kansas Commission on Veterans Affairs; and to the National and State Commanders of the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans, National Retired Officers Association, National Retired Enlisted Association and the National Order of the Purple Heart.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCONNELL, from the Committee on Rules and Administration:

Report to accompany S. Res. 54, A resolution authorizing expenditures by the committees of the Senate for the periods March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002, through February 28, 2003 (Rept. No. 107-14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRAMM (for himself, Mr. GRAMM, and Mrs. HUTCHISON):

S. 797. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 798. A bill to amend the Internal Revenue Code of 1986 to allow small business employers certain credits against income tax, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. CLELAND, Mr. KERRY, Mr. REID, Mr. FEINGOLD, and Ms. MURKOWSKI):

S. 799. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 800. A bill to provide for post conviction DNA testing, to establish a competent coun-

sel grant program, and for other purpose; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. CONRAD, Mr. MURKOWSKI, Mr. HATCH, and Mr. BREAUX):

S. 801. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Finance.

By Mr. BINGAMAN:

S. 802. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 82, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 83

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 83, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 84

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 84, a bill to increase the unified estate and gift taxes and the tax credit to exempt small businesses and farmers from estate taxes.

S. 85

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to \$25,000.

S. 99

At the request of Mr. KOHL, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided

educational assistance programs, and for other purposes.

S. 149

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 206

At the request of Mr. SHELBY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 206, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 2001, and for other purposes.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 333

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 333, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 389

At the request of Mr. MURKOWSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 389, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 472

At the request of Mr. DOMENICI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 500

At the request of Mr. BURNS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 706

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 755

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 755, a bill to continue State manage-

ment of the West Coast Dungeness Crab fishery.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from Oregon (Mr. SMITH, of Oregon), the Senator from Alabama (Mr. SESSIONS), the Senator from North Dakota (Mr. CONRAD), the Senator from Virginia (Mr. ALLEN), the Senator from Alabama (Mr. SHELBY), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nebraska (Mr. NELSON, of Nebraska) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. CON. RES. 28

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 798. A bill to amend the Internal Revenue Code of 1986 to allow small business employers certain credits against income tax, and for other purposes; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation, the Productivity, Opportunity, and Prosperity Act of 2001, that I believe will add some needed POP to our economy and that must be an integral component of any strategy to extend our historic economic growth.

The primary goal of the Productivity, Opportunity, and Prosperity Act is to protect, stimulate and expand economic growth. Government's role is not to create jobs but to help create the environment in which the private

sector will create jobs. This legislation helps to create the right context for private sector growth by providing incentives for investment in training, technology, and small entrepreneurial firms. These investments are critical to economic growth and the creation of jobs and wealth.

The Productivity, Opportunity, and Prosperity Act of 2001 is a tax package with a purpose. And that purpose is, above all else, to stimulate private sector economic growth, to raise the tide that lifts the lot of all Americans. In the spirit of the "New Economy," where the fundamentals of our economy have changed through entrepreneurship and innovation, this package includes business tax incentives that will spur the real drivers of growth: innovation, investment, a skilled workforce, and productivity.

The first component of this bill is a 30 percent tax credit for companies that invest in remedial education for their employees. Many companies today recognize that a skilled workforce is critical to success and they are eager to invest continuously in their employees. However, too often those companies seeking to upgrade worker skills are having to first make sizeable investments to simply make up for the skill deficits produced by the K-12 education system. For example, in my home state of Connecticut, I am aware of one small manufacturer with 25 employees that will train 20 of them in English as a Second Language at a cost of up to \$15,000. That is a significant investment and commitment by that company. Because too many workers did not learn the basic math, reading, and language skills in school, companies have to fix these deficiencies first, before they can train their workers on more advanced skills. This credit will help to offset those investments.

The bill's second component is a Small Business Digital Divide Tax Credit. It would create a 10 percent tax credit for small businesses, those with fewer than 100 employees, to encourage investment in information technology, for example servers, network hardware, initial broadband hookup, PCs, and e-Business software. This credit is critical for two reasons. First, because there is truly a small business digital divide in this country. Small firms are lagging in the productivity growth that has driven the economic boom of the late 90s. While small businesses account for 40 percent of our economy and 60 percent of the new jobs, less than one-third of them are wired to the Internet today. Those that are wired have grown 46 percent faster than their counterparts who are unplugged. A recent study by the National Association of Manufacturers, NAM, shows that those small manufacturers surveyed averaged only about 2 percent of their sales over internet and less than 1 percent were in the advanced stages of e-commerce. Without expanding productivity improvements to small businesses, we cannot hope to sustain the

economic growth of the last several years.

The second reason this credit is so important, is that it provides an immediate stimulus to our slowing economy. We know today that there has been a sharp downturn in technology-related capital spending that has helped power our economic growth. For example, Cisco Systems, whose products provide the foundation for our digital environment, estimates that its sales for the current quarter would be about 30 percent lower than the previous quarter and that they would fall again next quarter. By some projections, PC sales in this country this year will slow dramatically to virtually zero growth. In order to spur near term investment and provide an economic stimulus, this credit would be available immediately after enactment and through the end of 2002.

This bill's third component recognizes that entrepreneurship drives growth and that small, emerging companies need capital investment to innovate, create jobs, and create wealth. According to the National Commission on Entrepreneurship, a small subset of entrepreneurial firms that comprise only 5-15 percent of all U.S. businesses created about two-thirds of new jobs between 1993-96. Although venture capital is critical to the transition from a fledgling company to a growth company, only a small share of it is associated with small and new firms. In addition, we are currently experiencing a venture capital slow down that makes it even more difficult for small and new firms to attract capital. According to the National Venture Capital Association (NCVA), investment in the fourth quarter of last year slowed by more than 30 percent from the previous quarter.

For these reasons, the bill creates a zero capital gains rate for new, direct, long term investments by individuals and corporations in the stock of small businesses, those emerging, entrepreneurial companies that are core to our economic growth. Specifically, this legislation excludes from capital gains taxes 100 percent of new, long-term investments in these capital-intensive small businesses. It also changes the eligibility definition of a small business from \$50 million in capitalization to \$300 million while reducing the holding period for investments from 5 to 3 years. In addition, it also eliminates incentive stock options from the calculation of the Alternative Minimum Tax to help high tech employers recruit and retain the skilled professionals that are critical to competitiveness in a knowledge economy.

Finally, the bill's fourth component reduces the tax depreciation period for semiconductor manufacturing equipment from five years to three years, which more closely reflects the actual life of the equipment. I believe this component is essential because we know that advances in semiconductor technology improve productivity

throughout the economy. The pace of innovation in the semiconductor industry is among the fastest of any U.S. or global industry. Following Moore's Law, the semiconductor industry has been quadrupling the number of transistors on a chip every three years and studies show that chip manufacturing equipment quickly becomes obsolete as these new generations of chips are introduced. Semiconductor companies spend a greater percentage of their sales on R&D and capital equipment than any other industry. Last year, the U.S. semiconductor industry spent 18 percent of its sales on capital investment and 14 percent on R&D. More than 30 percent of this sector's revenue are invested in the future and building the New Economy. To promote economic strength, we can no longer afford to penalize the semiconductor manufacturing equipment industry with tax law that requires a five year cost recovery.

Ten years from now we will be judged by the economic policy decisions we make today. People will ask, did we fully understand the awesome changes taking place in our economy and in our society? Did we give our industry and workers the environment and the tools they need to seize the opportunities an innovation economy offers? I believe that a true Prosperity Agenda is within our grasp. Never before has America been in a stronger position—economically, socially, or politically—to shape our future. But it will take strong and focused leadership. I am confident that if we in the public sector in Washington work in partnership with the private sector throughout our country, we can truly say of America's future that the best is yet to come. I believe that the Productivity, Opportunity, and Prosperity Act of 2001 is an important step toward that future.

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. CLELAND, Mr. KERRY, Mr. REID, Mr. FEINGOLD, and Ms. MIKULSKI):

S. 799. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to reintroduce the Reasonable Search Standards Act. This Act prohibits racial or other discriminatory profiling by Customs Service personnel. I am please that Senator VOINOVICH is an original cosponsor of this bipartisan legislation.

Last year, I released a study, conducted by GAO at my request, of the U.S. Customs Service's procedures for conducting inspections of airport passengers. The need for this study grew out of an investigative report by Renee Ferguson of WMAQ-TV in Chicago and several complaints from African-American women in my home state of Illinois who were strip-searched at O'Hare

Airport for suspicion of carrying drugs. No drugs were found and the women felt that they had been singled out for these highly intrusive searches because of their race. These women, approximately 100 of them, have filed a class action law suit in Chicago.

The purpose of the GAO study was to review Customs' policies and procedures for conducting personal searches of airport passengers and to determine the internal controls in place to ensure that airline passengers are not inappropriately targeted or subjected to personal searches. Approximately 140 million passengers entered the United States on international flights during fiscal years 1997 and 1998. Because there is no data available on the gender, race and citizenship of this traveling population, GAO was not able to determine whether specific groups of passengers are disproportionately selected to be searched. However, once passengers are selected for searches, GAO was able to evaluate the likelihood that people with various race and gender characteristics would be subjected to searches that are more personally intrusive, such as strip-searches and x-rays, rather than simply being frisked or patted down.

The GAO study revealed some very troubling patterns in the searches conducted by U.S. Customs Service inspectors. GAO found disturbing disparities in the likelihood that passengers from certain population groups, having been selected for some form of search, would be subjected to the more intrusive searches, including strip-searches and x-ray searches. Moreover, that increased likelihood of being intrusively searched did not always correspond to an increased likelihood of actual carrying contraband.

Because of the intrusive nature of strip-searches and x-ray searches, it is important that the Customs Service avoid any discriminatory bias in forcing passengers to undergo these searches. GAO found that African-American women were much more likely to be strip-searched than most other passengers. This disproportionate treatment was not justified by the rate at which these women were found to be carrying contraband.

Certain other groups also experienced a greater likelihood of being strip-searched relative to their likelihood of being found carrying contraband. Specifically, African-American women were nearly 3 times as likely as African-American men to be strip-searched, even though they were only half as likely to be found carrying contraband. Hispanic-American and Asian-American women were also nearly 3 times as likely as Hispanic-American and Asian-American men to be strip-searched, even though they were 20 percent less likely to be found carrying contraband. In addition, African-American women were 73 percent more likely than White-American women to be strip-searched in 1998 and nearly 3 times as likely to be strip-searched in

1997, despite only a 42 percent higher likelihood of being found carrying contraband. Moreover, among non-citizens, White men and women were more likely to be strip-searched than Black and Hispanic men and women, despite lower rates of being found carrying contraband.

As with strip-searches, x-rays are personally intrusive and it is of particular concern that the Customs Service avoid any discriminatory bias in requiring x-ray searches of passengers suspected of carrying contraband. GAO found that African-Americans and Hispanic-Americans were much more likely to be x-rayed than other passengers. This disproportionate treatment was not justified by the rate at which these passengers were found to be carrying contraband. Specifically, GAO found that African-American women were nearly 9 times as likely as White-American women to be x-rayed even though they were half as likely to be carrying contraband. African-American men were nearly 9 times as likely as White-American men to be x-rayed, even though they were no more likely than White-American men to be carrying contraband. Moreover, Hispanic-American women and men were nearly 4 times as likely as White-American women and men to be x-rayed, even though they were only a little more than half as likely to be carrying contraband. And among non-citizens, Black women and men were more than 4 times as likely as White women and men to be x-rayed, even though Black women were only half as likely and Black men were no more likely to be found carrying contraband.

For these reasons, we are reintroducing the Reasonable Search Standards Act. This bill is a direct response to the concerns raised by the GAO report. The bill prohibits Customs Service personnel from selecting passengers for searches based in whole or in part on the passenger's actual or perceived race, religion, gender, national origin, or sexual orientation. To ensure that a sound reason exists for selecting someone to be searched, the bill requires Customs Service personnel to document the reasons for searching a passenger before the passenger is searched. The only exception to this requirement is when the Customs official suspects that the passenger is carrying a weapon.

The bill also requires all Customs Service personnel to undergo periodic training on the procedures for searching passengers, with a particular emphasis on the prohibition of profiling. The training shall include a review of the reasons given for searches, the results of the searches and the effectiveness of the criteria used by Customs to select passengers for searches. Finally, the bill calls for an annual study and report on detentions and searches of individuals by Customs Service personnel. The report shall include the number of searches conducted by Customs Service personnel, the race and

gender of travelers subjected to the searches, the type of searches conducted—including pat down searches and intrusive non-routine searches—and the results of these searches.

Since the release of the GAO report, the Customs Service has assured me that improvements have been made to "... better gather and analyze data, and to improve search procedures and results." These changes, along with better training of Customs Service personnel, will not only prevent unfair profiling practices, but will actually improve the effectiveness of operations at Customs. I commend former Commissioner Kelly for his quick response to the concerns raised by the GAO study and for implementing changes to the Customs Service's personal search policies.

The legislation we are introducing today will ensure that such progress continues, and is reported to Congress on a periodic basis. The Reasonable Search Standards Act will make the task at Customs easier by ensuring that a key federal service—one where profiling practices have already been demonstrated—remains focused on improving its personal search procedures and eliminating any practices that bear even the slightest resemblance to racial profiling.

President Bush and Attorney General Ashcroft have both said that ending racial profiling will be a high priority for this Administration. We applaud their commitment to this important issue. We have written a letter to President Bush, co-signed by Representatives LEWIS and HOUGHTON, to commend the President's attention to racial profiling, and to urge him to support the Reasonable Search Standards Act. Similar letters have been sent to Attorney General Ashcroft and to Treasury Secretary O'Neill. This is not a black, or brown, or white issue. It is not a Republican or a Democratic issue. Racial profiling is an affront to all Americans. Allowing it to continue would diminish democracy for all Americans.

Martin Luther King had a dream that the United States would become a nation where children would not be judged by the color of their skin but by the content of their character. We still have a long road to travel to make Dr. King's dream a full reality for all people. The Reasonable Search Standards Act is one step along that road. I urge my colleagues to support this important piece of legislation.

I ask unanimous consent that the letter sent to President Bush be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, April 6, 2001.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We are writing to commend you and Attorney General Ashcroft for the priority your administra-

tion has given to the issue of racial profiling, and to seek your assistance regarding ongoing efforts to address this issue in the U.S. Customs Service. The insidious practice of racial profiling undermines public confidence in law enforcement and damages the credibility of police forces around the country, even though the vast majority of police are carrying out their duties responsibly and professionally. Most importantly, racial profiling creates an atmosphere of distrust and alienation that isolates broad segments of the American population.

As you know, this issue affects federal, as well as state and local law enforcement activities. In fact, a GAO study of profiling practices of airline passengers concluded that the U.S. Customs Service was intrusively searching African-American women and other minorities for contraband at much higher rates than they searched other segments of the population. Ironically, the women being targeted were statistically less likely than other passengers to be found carrying contraband.

Commissioner Kelly quickly responded to the concerns raised by the GAO study by implementing significant changes to the Customs Service's personal search policies and data collection activities. The Customs Service is to be commended for its responsiveness that, we hope, will eventually eliminate the practice or appearance of discrimination. Your continued attention to this issue will insure that the rapid pace of progress that the Customs Service has already made on the issue of racial profiling will continue unabated. To that end, we ask, first, that you quickly nominate someone who shares your commitment to the issue of racial profiling to the position of Commissioner of Customs.

We also introduced Customs search legislation to specifically address the issue by codifying some of the changes already made by the Customs Service, and adding a modest reporting requirement. The legislation would prohibit the use of race, gender or other inappropriate criteria as the basis for Customs Service selection of people for searches or detention, and require Customs to improve its record-keeping and analysis, institute periodic training, and report annually to Congress. There is every indication that these types of measures will help the Customs Service make more effective use of its resources, and avoid unwarranted searches.

We are reintroducing these companion bills to address profiling in the Customs Service and hope that you will work with Congress to insure their passage as part of your effort to bring an end to the inexcusable practice of racial profiling.

Sincerely,

RICHARD J. DURBIN,
U.S. Senator.
GEORGE V. VOINOVICH,
U.S. Senator.
JOHN LEWIS,
Member of Congress.
AMO HOUGHTON,
Member of Congress.

By Mrs. FEINSTEIN:

S. 800. A bill to provide for post conviction DNA testing, to establish a competent counsel grant program, and other purpose; to the Committee on Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Criminal Justice Integrity and Innocence Protection Act of 2001.

It is my hope that this bill will jumpstart the process of ensuring that every innocent prisoner in this nation has access to DNA testing that could set

them free, and that every criminal defendant has access to truly competent counsel.

This is not the first bill to be introduced on this issue.

My good friend from Vermont and ranking member of the Judiciary Committee, Senator LEAHY, has twice introduced his Innocence Protection Act, with an impressive and bipartisan group of supporters behind the bill. I commend him for his work on this issue, and I look forward to continuing to work with him to see a bill pass.

But I have had some concerns with certain provisions of the Leahy bill, concerns that make it impossible for me to support the bill as currently drafted.

Also last year, the chairman of the Judiciary Committee, Senator HATCH, addressed the DNA issue in a bill of his own. However, that bill did not include provisions on competent counsel, something that I very strongly feel should be included.

So the real aim of my effort is to start moving this process forward. It has been well over a year since these bills were first discussed, and no real action has taken place. There are differences of opinion on how to move forward on this issue, and I fully understand how committed each side is to their position.

But I believe that these differences of opinion will continue to prevent the Senate from considering this issue for the foreseeable future, unless something is done to break the stalemate.

In the hopes of doing just that, breaking the stalemate, last year, I invited both Senator HATCH and Senator LEAHY together, to try to resolve the differences between their two approaches. We had a constructive meeting, and some progress was made.

Since that time, each of us has gone back and forth with suggestions and criticisms of various ideas, and our staffs have been working diligently on trying to craft a solution to the impasse.

Nevertheless, time continues to run without action.

So today, I am introducing what I believe is a good compromise on this issue, a piece of legislation, based on our discussions, that I hope will spur debate, and provide a major step forward on this issue.

Essentially, the legislation I am introducing today does two things.

First, the bill provides a procedure by which prisoners who might be able to prove their innocence with the use of new DNA technology can do so.

The bill contains safeguards, of course, so that frivolous requests will be minimized.

For instance, prisoners have to demonstrate that biological evidence does exist that could possibly prove them innocent, and they must show that DNA testing was unavailable to them at the time of trial.

But overall, the bill will allow for the testing of inmates where evidence could lead to their exoneration.

If DNA testing proves innocence, the judge can release the prisoner immediately or, if there are other crimes of which the defendant may have been guilty, the judge can determine the best way to proceed in the case.

Second, the bill also addresses the issue of competent counsel, through the establishment of independent, national standards for legal representation in capital cases.

Specifically, this legislation directs the State Justice Institute to study this issue and to develop standards for competent counsel in capital cases.

The bill then authorizes grants to states that agree to adopt those standards.

The State Justice Institute has long served as a neutral facilitator between the state and federal judicial systems, and the bill would allow them to work with judges, prosecutors, and defense attorneys alike to develop a model system for standards in these cases.

The combination of these two parts of the bill, competent counsel standards and DNA testing, will serve as powerful tools in restoring the public's confidence in the integrity of our judicial system.

I support the death penalty, and I have for a long time. And I have spent much of my public career trying to ensure that guilty people face the consequences of their actions.

But we must protect the innocent from a system of justice that can make mistakes. That is what this bill is all about, and that is why I hope we can move quickly to debate this issue fairly, with all opinions on the table, and move forward towards passage of a reasoned, strong bill.

By Mr. JEFFORDS (for himself, Mr. CONRAD, Mr. MURKOWSKI, Mr. HATCH, and Mr. BREAUX):

S. 801. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, today I am joining with four of my colleagues on the Finance Committee, Senators CONRAD, MURKOWSKI, HATCH and BREAUX, to introduce a bill that will eliminate an aspect of our tax laws that is fundamentally unfair to taxpayers with income from foreign sources.

Under our system of taxation, United States citizens and domestic corporations are subject to tax on income they earn from sources outside the United States. In all likelihood, foreign-source income will also be subject to tax by the country where it was earned. Absent an Internal Revenue Code measure providing for other treatment, the same income could be taxed twice, by two different countries. The tax code does have a provision to address this problem of double taxation: the foreign tax credit. This credit allows taxpayers to offset otherwise payable U.S. taxes with foreign taxes paid on the same

foreign-source income. Like the other provisions governing international taxation, the details of the foreign tax credit are complex. The basic principle underlying the credit, however, is simple: relief from double taxation.

The alternative minimum tax, AMT, requires taxpayers to compute their taxes twice, once under the "regular" method, and once using the AMT calculation. As a rule, taxpayers pay the larger of these two computations. When taxpayers become subject to the AMT, the protection against double taxation is undermined. In the "regular" tax computation, foreign tax credits protect against double taxation. This protection is only partial under AMT rules, however, where the allowable foreign tax credit is limited to 90 percent of a taxpayer's AMT liability. This limitation means that income subject to foreign tax is also subject to U.S. tax.

There is no sound policy reason for denying relief from double taxation under the AMT. When first enacted, the AMT was designed to ensure that taxpayers claiming various tax "preferences" allowed by the Internal Revenue Code should pay a minimum amount of tax. The foreign tax credit is not a "preference" serving an incentive for a particular activity or behavior. Rather, it merely reflects the fundamental principle that income should not be subject to multiple taxation. The 90 percent limitation was enacted as part of the 1986 tax reform bill, solely for the purpose of raising revenue. The bill that we're introducing today will eliminate the AMT's 90 percent limitation on foreign tax credits. Elimination of this limitation will mean that taxpayers subject to the AMT will get the same protection against double taxation allowed to taxpayers subject to the regular tax.

Repeal of the limit on foreign tax credits is not a revolutionary idea. In fact, Congress repealed the limitation in the Taxpayer Refund and Relief Act of 1999, which was subsequently vetoed. Legislation similar to the bill I'm introducing today has also been introduced in the House of Representatives. At this point in time, it is questionable whether the AMT still serves a valid purpose. In fact, in a study released last week, the Joint Committee on Taxation concluded that both the corporate and individual AMT should be repealed. In any event, the AMT's treatment of foreign tax credits serves no valid purpose. The 90 percent limitation on foreign tax credits is probably the most unfair aspect of the corporate AMT. Even those unwilling to support wholesale AMT repeal should support elimination of this most unfair aspect of the AMT. In the age of globalization, the AMT limitation on foreign tax credits can put U.S. corporations at a competitive disadvantage with their foreign rivals. The time has come to repeal this unfair tax provision.

By Mr. BINGAMAN:

S. 802. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Low Income Taxpayer Protection Act of 2001. This legislation, if enacted, will assist low and moderate income taxpayers with the annual task of preparing their tax returns and give them some protection from exploitive refund anticipation loans. RALs are high interest loans offered to taxpayers who are entitled to a refund. Recently, an article ran in the Albuquerque Journal about taxpayer abuses that were particularly acute near the Navajo Reservation in Gallup, New Mexico. While many taxpayers benefit from these loans, many more are hurt by outrageously high interest rates and fees. Worse, many taxpayers get caught with outstanding loans that they can't pay off because a mistake was made on their tax return resulting in a smaller than anticipated refund. Many of these loans, when annualized, have interest rates over 200 percent.

The majority of these loan recipients are low to moderate income taxpayers, many of whom receive an earned income tax credit. The EITC has become one of the most effective tools for fighting poverty and benefitting working families, and so it is essential that every dollar of this credit goes to the taxpayer.

Congress is not without fault. We have made the EITC so complicated that many taxpayers feel they have to pay to have someone prepare their return. According to the New Mexico Advocates for Children and Families, 83 percent of the low income population in Gallup used a paid preparer. Many of these taxpayers won't have the money to pay for this service unless they are loaned the money up front, hence a proliferation of refund anticipation loans. Although this bill does not include simplification of the EITC, I am going to work with my colleagues to be sure that any tax bill that is passed through this body has made the EITC easier to calculate.

To help low and moderate income taxpayers, my bill requires all those involved with RALs to register with the IRS. Treasury will then be required to determine what is a fair amount of interest and fees to be charged based on the benefit to the taxpayer and the risk to the lender. It will also expand the Volunteer Income Tax Assistance program by directly giving them funding to operate. VITA clinics are one of the few places low income taxpayers can go to get assistance on their tax returns. We need to expand this program. My bill also directs the IRS to focus its electronic filing services on the taxpayer. I am afraid that our desire to meet Congressional mandates for increasing electronic filing rates may have caused the IRS to forget why

we are advancing electronic filing, to benefit the taxpayer.

Finally, this legislation will create several mobile electronic tax filing centers, at least one of which must be located near a Native American reservation or pueblo. Currently, many low income taxpayers do not have the ability to file electronically unless they go to a commercial electronic filer where there is a fee to file. This trial program would allow these taxpayers to enjoy the benefits of electronic filing, such as a shorter turn around time for a refund, without having to find the money to pay for it.

I look forward to working with my colleagues to expand this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 802

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 "Low Income Taxpayer Protection Act of 2001".

SEC. 2. REGULATION OF INCOME TAX RETURN PREPARERS AND REFUND ANTICIPATION LOAN PROVIDERS.

(a) DEFINITIONS.—In this Act:

(1) INCOME TAX RETURN PREPARER.—

(A) IN GENERAL.—The term "income tax return preparer" means any individual who is an income tax return preparer (within the meaning of section 7701(a)(36) of the Internal Revenue Code of 1986) who prepares not less than 5 returns of tax imposed by subtitle A of such Code or claims for refunds of tax imposed by such subtitle A per taxable year.

(B) EXCEPTION.—Such term shall not include a federally authorized tax practitioner within the meaning of section 7526(a)(3) of such Code.

(2) REFUND ANTICIPATION LOAN PROVIDER.—The term "refund anticipation loan provider" means a person who makes a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(b) REGULATIONS.—

(1) REGISTRATION REQUIRED.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations that—

(i) require the registration of income tax return preparers and of refund anticipation loan providers with the Secretary or the designee of the Secretary, and

(ii) prohibit the payment of a refund of tax to a refund anticipation loan provider or an income tax return preparer that is the result of a tax return which is prepared by the refund anticipation loan provider or the income tax return preparer which does not include the refund anticipation loan provider's or the income tax return preparer's registration number.

(B) NO DISCIPLINARY ACTION.—The regulations shall require that an applicant for registration must not have demonstrated any conduct that would warrant disciplinary action under part 10 of title 31, Code of Federal Regulations.

(C) BURDEN OF REGISTRATION.—In promulgating the regulations, the Secretary shall

minimize the burden and cost on the registrant.

(2) RULES OF CONDUCT.—All registrants shall be subject to rules of conduct that are consistent with the rules that govern federally authorized tax practitioners.

(3) REASONABLE FEES AND INTEREST RATES.—The Secretary, after consultation with any expert as the Secretary deems appropriate, shall include in the regulations guidance on reasonable fees and interest rates charged to taxpayers in connection with loans to taxpayers made by refund anticipation loan providers.

(4) RENEWAL OF REGISTRATION.—The regulations shall determine the time frame required for renewal of registration and the manner in which a registered income tax return preparer or a registered refund anticipation loan provider must renew such registration.

(5) FEES.—

(A) IN GENERAL.—The Secretary may require the payment of reasonable fees for registration and for renewal of registration under the regulations.

(B) PURPOSE OF FEES.—Any fees required under this paragraph shall inure to the Secretary for the purpose of reimbursement of the costs of administering the requirements of the regulations.

(c) PROHIBITION.—Section 6695 of the Internal Revenue Code of 1986 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) is amended by adding at the end the following new subsection:

"(h) ACTIONS ON A TAXPAYER'S BEHALF BY A NON-REGISTERED PERSON.—Any person not registered pursuant to the regulations promulgated by the Secretary under the Low Income Taxpayer Protection Act of 2001 who—

"(1) prepares a tax return for another taxpayer for compensation, or

"(2) provides a loan to a taxpayer that is linked to or in anticipation of a tax refund for the taxpayer,

shall be subject to a \$500 penalty for each incident of noncompliance."

(d) COORDINATION WITH SECTION 6060(a).—The Secretary shall determine whether the registration required under the regulations issued pursuant to this section should be in lieu of the return requirements of section 6060.

(e) PAPERWORK REDUCTION.—The Secretary shall minimize the amount of paperwork required of a income tax return preparer or a refund anticipation loan provider to meet the requirements of these regulations.

SEC. 3. IMPROVED SERVICES FOR TAXPAYERS.

(a) ELECTRONIC FILING EFFORTS.—

(1) IN GENERAL.—The Secretary shall focus electronic filing efforts on benefiting the taxpayer by—

(A) reducing the time between receipt of an electronically filed return and remitting a refund, if any,

(B) reducing the cost of filing a return electronically,

(C) improving services provided by the Internal Revenue Service to low and moderate income taxpayers, and

(D) providing tax-related computer software at no or nominal cost to low and moderate income taxpayers.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the efforts made pursuant to paragraph (1).

(b) VOLUNTEER INCOME TAX ASSISTANCE PROGRAM.—

(1) STUDY.—The Secretary shall undertake a study on the expansion of the volunteer income tax assistance program to service more low income taxpayers.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the study conducted pursuant to paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for volunteer income tax assistance clinics \$6,000,000, to remain available until expended.

(B) USE OF FUNDS.—Such amounts appropriated under subparagraph (A) shall be used for the operating expenses of volunteer income tax assistance clinics, expenses for providing electronic filing expenditures through such clinics, and related expenses.

(C) TELE-FILING.—The Secretary shall ensure that tele-filing is available for all taxpayers for the filing of tax returns with respect to taxable years beginning in 2001.

(d) DEPOSIT INDICATOR PROGRAM.—

(1) REVIEW.—The Secretary shall review the decision to reinstate the Deposit Indicator program.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the review made pursuant to paragraph (1).

(e) DIRECT DEPOSIT ACCOUNTS.—The Secretary shall allocate resources to programs to assist low income taxpayers in establishing accounts at financial institutions that receive direct deposits from the United States Treasury.

(f) PILOT PROGRAM FOR MOBILE TAX RETURN FILING OFFICES.—

(1) IN GENERAL.—The Secretary shall establish a pilot program for the creation of four mobile tax return filing offices with electronic filing capabilities.

(2) LOCATION OF SERVICE.—

(A) IN GENERAL.—The mobile tax return filing offices shall be located in communities that the Secretary determines have a high incidence of taxpayers claiming the earned income tax credit.

(B) INDIAN RESERVATION.—At least one mobile tax return filing office shall be on or near an Indian reservation (as defined in section 168(j)(6) of the Internal Revenue Code of 1986).

AMENDMENTS SUBMITTED AND PROPOSED

SA 354. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 354. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

In section 1125, insert the following:

SEC. 1125B (20 U.S.C. 6336). STUDY, EVALUATION AND REPORT OF SCHOOL FINANCE EQUALIZATION.

The Secretary shall conduct a study to evaluate and report to the Congress on the degree of disparity in expenditures per pupil among LEAs in each of the fifty states and the District of Columbia using the distribution formula described in this section. The Secretary shall also analyze the trends in State school finance legislation and judicial action requiring that states equalize re-

sources. The Secretary will attempt to evaluate and report to the Congress whether or not it can be determined if these actions have resulted in an improvement in student performance.

In preparing this report, the Secretary may also consider the following: other measures of determining disparity; the relationship between education expenditures and student performance; the effect of Federal education assistance programs on the equalization of school finance resources; and the effects of school finance equalization on local and state tax burdens.

Such report shall be submitted to the Congress not later than one year after the date of enactment of the Better Education for Students and Teachers Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, May 3, 2001, at 2:30 p.m. in room SD-336 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to review FERC's April 26, 2001, order addressing wholesale electricity prices in California and the Western United States.

Request to testify may be made in writing to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Jo Meuse at (202) 224-6567.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Madam President, I ask unanimous consent that Jay Barth and Nicky Yuen have floor privileges today and for the remainder of the debate on the reauthorization of the Elementary and Secondary Education Act.

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

RELIEF OF RITA MIREMBE REVELL A.K.A. MARGARET RITA MIREMBE

Ms. COLLINS. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 560, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 560) for the relief of Rita Mirembé Revell (a.k.a. Margaret Rita Mirembé).

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

Ms. COLLINS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements pertaining to the bill be printed in the RECORD.

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

The bill (S. 560) was read the third time and passed, as follows:

S. 560

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

SECTION 1. PERMANENT RESIDENT STATUS FOR RITA MIREMBE REVELL (A.K.A. MARGARET RITA MIREMBE).

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Rita Mirembé Revell (a.k.a. Margaret Rita Mirembé) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fees not later than 2 years after the date of enactment of this Act.

(b) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent residence to Rita Mirembé Revell (a.k.a. Margaret Rita Mirembé), the Secretary of State shall instruct the proper officer to reduce by the appropriate number, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

ORDERS FOR TUESDAY, MAY 1, 2001

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, May 1. I further ask unanimous consent that on Tuesday, immediately following the prayer, 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 then proceed to the cloture vote on the motion to proceed to S. 1 as under the previous order.

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

Ms. COLLINS. Mr. President, I further ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

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

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and will immediately have a cloture vote on the motion to proceed to S. 1, the education reform bill. Following that vote, it is expected that the 30 hours of postcloture debate will begin. However, it is hoped that time will be yielded so the Senate can begin full consideration of the bill as early as tomorrow afternoon. Numerous amendments are expected to be offered to this important legislation, and therefore Senators may expect votes throughout the week.

ORDER FOR ADJOURNMENT

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of Senator DORGAN.

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

The Senator from North Dakota is recognized.

NATIONAL MISSILE DEFENSE SYSTEM

Mr. DORGAN. Mr. President, tomorrow President Bush will make a speech on the subject of national missile defense. I want to comment briefly about that.

A national missile defense sounds perfectly plausible to a good many people. In fact, we have colleagues in this Chamber who believe very strongly that we ought to begin deploying a national missile defense immediately, despite the fact, of course, that we don't have a national missile defense that works. The last time we did a test of the system was last summer. In that test, we sent up a missile with a target warhead. We knew what the target was, we knew where it was going to be, and we knew when it was going to be there. Despite that, we could not hit it with our interceptor.

These are very simple, rudimentary tests, and we have not been able to demonstrate through those tests that we have a national missile defense system that works.

Some say: Well, but shouldn't we have a national missile defense system in the event that someone launches missiles at this country?

What they need to understand is that the national missile defense program that is being discussed by the administration, and that was discussed by past administrations, is not a national missile defense program that would safeguard this country against, for example, a nuclear missile attack by Russia or China. No. It is in fact a system that is very narrow, which, if it worked, would provide a kind of catcher's mitt against an attack by a rogue nation of one or two or three or four missiles.

A rogue nation or a terrorist leader getting access to an ICBM, as improbable as that might be, and wanting to launch that ICBM would confront an American national missile defense program that would be able to go up and catch that missile as it came in and explode it. That is the theory. It has never been an approach that has been advertised to protect us against a more robust attack by just one submarine launching missiles from all of its tubes coming from Russia. It would not defend us against that.

So people should understand what is being talked about here. Despite the fact that we don't have a system that works, we have people saying we ought to deploy it immediately. Deploy what?

What kind of a system? The last test failed. Ought not we have a system that is demonstrated to have worked before we talk about deploying it?

Second, there are other problems. In order to deploy a national missile defense program—some call it Star Wars, and others have other names for it—in order to deploy that with the time of deployment that is envisioned, we would have to violate the ABM Treaty.

That ABM Treaty has been the centerpiece of our arms reduction efforts. Our arms reduction efforts with the old Soviet Union and now Russia have been quite successful. We have far fewer nuclear weapons than we used to—far too many, but far fewer than we used to have, and fewer delivery vehicles as well.

The centerpiece of those reductions in nuclear arms has been the ABM Treaty. Some say this treaty is obsolete, let's get rid of it. If we do that, we will have, in my judgment, dealt a significant blow to the future of arms reductions.

If we get rid of the ABM Treaty, as President Bush suggests and as some of my colleagues suggest, in my judgment, we will retreat back to a situation where Russia and China and other countries will build more offensive weapons even as we try to build this limited national missile defense system.

In addition to the issue of the ABM Treaty and the violation of that treaty by building a national missile defense system, we also are encountering vigorous opposition from virtually all of our allies who are very concerned that if we build a new national missile defense program it will ignite a new arms race, especially with Russia and with the Chinese. That is a very real and valid concern.

I would like to urge my colleagues and President Bush to try to develop a balanced view of all of this and understand that there are consequences to all of it. We have a range of threats. Yes, let's deal with that range of threats. I happen to support research and development for our national missile defense system. I do not support deployment of a system we have not yet demonstrated to be workable. The threat it is supposed to counter is one of the least likely threats this country faces.

By far the most likely threat we face is for a terrorist or a rogue nation to get a hold of a suitcase-size nuclear bomb and put it in the trunk of an old rusty Desoto car and park it on a dock somewhere in New York or Chicago. That is by far a much more likely scenario of a terrorist act. Or instead of a suitcase bomb, perhaps someone will use a deadly vial of chemical or biological agents that can kill millions of people. That is a much more likely scenario—a much more likely weapon of mass destruction to be used by a rogue nation or a terrorist state.

We ought to deal with all of those issues. We ought to be concerned about all of them.

As a country that is as free and open as this country, we need to be very concerned about terrorism and about rogue nations. But we also need to be concerned about continuing the effort to reduce the number of nuclear weapons. I mentioned that we have done some of that. I would like to ask, by consent, to be able to show a couple of pieces that resulted from the efforts in the Senate.

The Nunn-Lugar Program is the program that most people probably won't recognize. It is a program to spend money funding certain activities that reduce the threat to this country. One of those activities is to cut up Russian bombers.

This piece in my hand is from a wing strut on a Backfire bomber. This bomber used to fly around carrying nuclear weapons that would have threatened this country. But now this is not a wing strut on a Russian bomber, it is a piece of metal that is in my desk here in the Senate. Do you know how I got this wing strut? No, we didn't shoot this bomber down. The wing was sawed off this bomber as a result of arms control reductions—arms reductions that were negotiated between the United States and the old Soviet Union, and which are continuing to be carried on by us and the Russians. We saw the wings off bombers, we dismantle nuclear submarines, and we take missiles out of their silos, separate them from their warheads. That way we reduce the number of nuclear weapons on their side and our side. It has happened, and it has worked. It is the reason I am able to hold up a piece of a Russian bomber that we didn't shoot down, but we paid money to destroy it.

This is ground-up copper from a Russian submarine. We didn't sink that submarine. It was dismantled under terms of an arms control agreement with the Russians.

Does it make sense for us to continue agreements by which we reduce the number of nuclear weapons on both sides? You bet it does. Does it make sense for us to say to the Russians: Look, the treaties under which we have reduced nuclear weapons are now no longer very important to us. We are going to violate the ABM Treaty. It doesn't matter what you think of it, we are going to produce a national missile defense system that has not yet been demonstrated to work—at the risk of backing away from the ABM Treaty, and having both Russia and China build more offensive weapons? That does not seem like much of a bargain to me.

I hope, as President Bush discusses these issues tomorrow, he will understand that the Nunn-Lugar Program and the arms control agreements that we have had with Russia and the old Soviet Union have worked to reduce the number of nuclear weapons. His appreciation for those facts would be a step in the right direction, in my judgment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:33 p.m., adjourned until Tuesday, May 1, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 30, 2001:

DEPARTMENT OF AGRICULTURE

ERIC M. BOST, OF TEXAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE SHIRLEY ROBINSON WATKINS, RESIGNED.

WILLIAM T. HAWKS, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE ISLAM A. SIDDIQUI.

JOSEPH J. JEN, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE I. MILEY GONZALES.

J.B. PENN. OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE AUGUST SCHUMACHER, JR., RESIGNED.

DEPARTMENT OF COMMERCE

JAMES J. JOCHUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE R. ROGER MAJAK, RESIGNED.

BRUCE P. MEHLMAN, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY, VICE KELLY H. CARNES, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

KEVIN J. MARTIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2001, VICE WILLIAM E. KENNARD, TERM EXPIRING.

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, VICE HAROLD W. FURCHTGOFF-ROTH.

DEPARTMENT OF THE TREASURY

JAMES GURULE, OF MICHIGAN, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT, VICE JAMES E. JOHNSON, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KEVIN KEANE, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE MELISSA T. SKOLFIELD, RESIGNED.

DEPARTMENT OF STATE

WALTER H. KANSTEINER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), VICE SUSAN E. RICE.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PETER S. WATSON, OF CALIFORNIA, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE GEORGE MUNOZ, RESIGNED.

DEPARTMENT OF ENERGY

DAVID GARMAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY EFFICIENCY AND RENEWABLE ENERGY), VICE DAN REICHTER, RESIGNED.

PATRICK HENRY WOOD III, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2005, VICE JAMES JOHN HOECKER, RESIGNED.

DEPARTMENT OF COMMERCE

DAVID A. SAMPSON, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT, VICE ARTHUR C. CAMPBELL, RESIGNED.

KATHLEEN B. COOPER, OF TEXAS, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE ROBERT J. SHAPIRO, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

KAY COLES JAMES, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE JANICE R. LACHANCE.

FEDERAL LABOR RELATIONS AUTHORITY

OTHONEIL ARMENDARIZ, OF TEXAS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2005, VICE DONALD S. WASSERMAN, TERM EXPIRED.

DEPARTMENT OF EDUCATION

GROVER J. WHITEHURST, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT, DEPARTMENT OF EDUCATION, VICE CYRIL KENT MCGUIRE, RESIGNED.

DEPARTMENT OF LABOR

DAVID D. LAURISKI, OF UTAH, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE J. DAVITT MCATEER.

DEPARTMENT OF JUSTICE

JOHN W. GILLIS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE FOR VICTIMS OF CRIME, VICE KATHRYN M. TURMAN, RESIGNED.

MICHAEL CERTOFF, OF NEW JERSEY, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JAMES K. ROBINSON.

DEPARTMENT OF VETERANS AFFAIRS

LEO S. MCKAY, JR., OF TEXAS, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS, VICE HERSEL WAYNE GOBER, RESIGNED.

ROBIN L. HIGGINS, OF FLORIDA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS, VICE ROBERT M. WALKER, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. ROGER C. SCHULTZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHNNY M. RIGGS, 0000

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. THOMAS J. PLEVES, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN C. ATKINSON, 0000
BRIG. GEN. DANNY B. CALLAHAN, 0000
BRIG. GEN. ROBERT C. HUGHES JR., 0000
BRIG. GEN. JAMES H. LIPSCOMB III, 0000
BRIG. GEN. CHARLES L. ROSENFELD, 0000
BRIG. GEN. RONALD S. STOKES, 0000

To be brigadier general

COL. ROGER L. ALLEN, 0000
COL. EDWARD H. BALLARD, 0000
COL. BRUCE R. BODIN, 0000
COL. GARY D. BRAY, 0000
COL. WILLARD C. BROADWATER, 0000
COL. JAN M. CAMPLIN, 0000
COL. JULIA J. CLECKLEY, 0000
COL. STEPHEN D. COLLINS, 0000
COL. BRUCE E. DAVIS, 0000
COL. JOHN L. ENRIGHT, 0000
COL. JOSEPH M. GATELY, 0000
COL. JOHN S. GONG, 0000
COL. DAVID E. GREER, 0000
COL. JOHN S. HARREL, 0000
COL. KEITH D. JONES, 0000
COL. TIMOTHY M. KENNEDY, 0000
COL. MARTIN J. LUCCENTI, 0000
COL. BUFORD S. MABRY JR., 0000
COL. JOHN R. MULLIN, 0000
COL. EDWARD C. O'NEILL, 0000
COL. NICHOLAS OSTAPENKO, 0000
COL. MICHAEL B. PACE, 0000
COL. MARVIN W. PIERSON, 0000
COL. DAVID W. RAES, 0000
COL. THOMAS E. STEWART, 0000
COL. JON L. TROST, 0000
COL. STEPHEN F. VILLACORTA, 0000
COL. ALAN J. WALKER, 0000
COL. JIMMY G. WELCH, 0000
COL. GEORGE W. WILSON, 0000
COL. JESSICA L. WRIGHT, 0000
COL. ARTHUR H. WYMAN, 0000
COL. MARK E. ZIRKELBACH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, Judge Advocate General's Corps

COL. SCOTT C. BLACK, 0000
COL. DAVID P. CAREY, 0000
COL. DANIEL V. WRIGHT, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. NYLAND, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (IH) MICHAEL E. FINLEY, 0000

DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE JILL L. LONG, RESIGNED.

DEPARTMENT OF DEFENSE

DOUGLAS JAY FEITH, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE WALTER BECKER SLOOMBE.

SELECTIVE SERVICE SYSTEM

ALFRED RASCON, OF CALIFORNIA, TO BE DIRECTOR OF SELECTIVE SERVICE, VICE GIL CORONADO, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALPHONSO R. JACKSON, OF TEXAS, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SAUL N. RAMIREZ, JR., RESIGNED.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE CARDELL COOPER, RESIGNED.

JOHN CHARLES WEICHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE WILLIAM C. APGAR, JR., RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, VICE SUSAN NESS, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

J. STEVEN GRILES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE INTERIOR, VICE DEPUTY J. HAYES, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

LINDA J. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE W. MICHAEL MCCABE, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

THOMAS SCULLY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION, VICE NANCY-ANN MIN DEPARLE.

DEPARTMENT OF THE TREASURY

PETER R. FISHER, OF NEW JERSEY, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE GARY GENSLER, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

LINET F. DEILY, OF CALIFORNIA, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RITA D. HAYES, RESIGNED.

DEPARTMENT OF STATE

LORNE W. CRANER, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE HAROLD HONGJU KOH.

WILLIAMS J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS), VICE EDWARD S. WALKER, JR.

RUTH A. DAVIS, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE MARC GROSSMAN.

DEPARTMENT OF EDUCATION

BRIAN JONES, OF CALIFORNIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE JUDITH A. WINSTON, RESIGNED.

EUGENE HICKOK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF EDUCATION, VICE JUDITH A. WINSTON, RESIGNED.

DEPARTMENT OF LABOR

EUGENE SCALIA, OF VIRGINIA, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE HENRY L. SOLANO, RESIGNED.

ANN LAINE COMBS, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE LESLIE BETH KRAMERICH.

DEPARTMENT OF JUSTICE

RALPH F. BOYD, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE BILL LANN LEE, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

GORDON H. MANSFIELD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE EDWARD P. SCOTT, RESIGNED.

JACOB LOZADA, OF PUERTO RICO, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS, VICE EUGENE A. BRICKHOUSE, RESIGNED.

DEPARTMENT OF DEFENSE

DAVID S. C. CHU, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE BERNARD DANIEL ROSTKER.

GORDON ENGLAND, OF TEXAS, TO BE SECRETARY OF THE NAVY, VICE RICHARD DANZIG.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

RICHARD A. HAUSER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE GAIL W. LASTER, RESIGNED.

EXPORT-IMPORT BANK OF THE UNITED STATES

JOHN E. ROBSON, OF CALIFORNIA, TO BE THE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR TERM EXPIRING JANUARY 20, 2005, VICE JAMES A. HARMON, RESIGNED.

DEPARTMENT OF ENERGY

JESSIE HILL ROBERSON, OF ALABAMA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT), VICE CAROLYN L. HUNTOON, RESIGNED.

FRANCIS S. BLAKE, OF CONNECTICUT, TO BE DEPUTY SECRETARY OF ENERGY, VICE T. J. GLAUTHIER, RESIGNED.

NORA MEAD BROWNELL, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2006. (RE-APPOINTMENT)

NORA MEAD BROWNELL, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 03, 2001. VICE VICKY A. BAILEY, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

JEFFREY R. HOLMSTEAD, OF COLORADO, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROBERT W. PERCIASEPE, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES LAURENCE CONNAUGHTON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE GEORGE T. FRAMPTON, JR.

DEPARTMENT OF STATE

CARL W. FORD, JR., OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH), VICE J. STAPLETON ROY, RESIGNED.

CHRISTINA B. ROCCA, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF SOUTH ASIAN AFFAIRS, VICE KARL FREDERICK INDERFURTH.

DEPARTMENT OF LABOR

SHINAE CHUN, OF ILLINOIS, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE IRASEMA GARZA.

DEPARTMENT OF EDUCATION

SUSAN B. NEUMAN, OF MICHIGAN, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE MICHAEL COHEN, RESIGNED.

DEPARTMENT OF LABOR

DONALD CAMERON FINDLAY, OF ILLINOIS, TO BE DEPUTY SECRETARY OF LABOR, VICE EDWARD B. MONTGOMERY, RESIGNED.

DEPARTMENT OF JUSTICE

ROBERT D. MCCALLUM, JR., OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DAVID W. OGDEN, RESIGNED.