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Senate

The Senate met at 10:32 a.m. and was called to order by the Honorable BILL FRIST, a Senator from the State of Tennessee.

PRAYER

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

Holy Father, we join with Americans across our land in the celebration of National Police Week. We gratefully remember those who lost their lives in the line of duty. Particularly, we honor the memory of our own officers in the United States Capitol Police: Sergeant Christopher Eney on August 24, 1984, Officer Jacob Chestnut and Detective John W. Gibson on July 24, 1998. Thank You for their valor and heroism. Continue to bless their families as they endure the loss of these fine men.

May this be a time for all of us in the Senate family to express our profound appreciation for all of the police officers and detectives who serve here in the Senate. They do so much to maintain safety and order, knowing that, at any moment, their lives may be in danger. Help us to put our gratitude into words and actions of affirmation. May we take no one for granted.

Now we dedicate this day to You. Bless the Senators as they confront issues with Your divinely endowed wisdom and vision. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL FRIST 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, May 15, 2001.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ENSIGN. Mr. President, today the Senate will immediately resume consideration of the Murray amendment regarding class size. Under the order, there will be 2 hours of debate on the amendment prior to the 12:30 recess. When the Senate reconvenes at 2:15 p.m., there will be 5 minutes for final remarks on the Murray amendment with a vote to occur at 2:20 p.m. Following the vote, the Senate will continue consideration of amendments to the education bill. Rollcall votes are expected throughout the day.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

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

The assistant legislative clerk read as follows:

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

Pending:

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

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

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

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

Voinovich amendment No. 389 (to amendment No. 358), to modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved.

Carnahan amendment No. 374 (to amendment No. 358), to improve the quality of education in our Nation's classrooms.

Reed amendment No. 425 (to amendment No. 358), to revise provisions regarding the Reading First Program.

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

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

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

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

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

Wellstone/Feingold amendment No. 465 (to amendment No. 358), to improve the provisions relating to assessment completion bonuses.

Voinovich amendment No. 443 (to amendment No. 358), to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the Senate will now resume consideration of the Murray amendment No. 378 under which there will be 120 minutes equally divided.

Who yields time?

The Senator from Washington.

Mr. FRIST. Mr. President, I would like to yield myself about 15 minutes. It can go either way.

Mrs. MURRAY. If the Senator from Tennessee wants to begin, that is OK. I will go after the Senator finishes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

AMENDMENT NO. 378

Mr. FRIST. Mr. President, I yield myself 15 minutes.

I rise to speak to the underlying amendment about which we will be talking over the course of the morning and on which we will be voting on this afternoon shortly after 2 o'clock. It is a very important amendment, one which we talked about over the last several days—in fact, into last week—an amendment that deserves this time, that deserves the debate, that deserves the discussion that has been put forth.

I say that because it really does strike, I believe, at a fundamental principle that distinguishes much of the debate around education today. It strikes right at the heart of an understanding of what is in the underlying bill as well as in the amendment which is being proposed to that bill.

The principle is one of freedom, and we feel very strongly that local communities, local needs, must dictate what we do here in Washington, through our Federal legislation. We feel strongly that Washington must give local communities—schools, school districts—the opportunity to identify their particular needs or deficiencies. And, yes, it takes testing in many ways to identify the different types of students—that is in the underlying bill. But we must also identify needs such as number of teachers, teacher quality, classroom size, the environment in which the teacher-pupil relationship is cultivated and maximized so achievement is boosted to the largest degree possible. And it really does, to my mind, boil down to freedom, the freedom, the flexibility, the opportunity to identify those local needs and to satisfy them as they see fit at the local level.

Again, it goes to the heart of much of what is in this bill because there are disparities all over the country, and the degree of education success is, in part, dependent on location. That needs to be addressed. And I think it is best addressed at the local level. That is what we would like to do, and that is what is in the underlying bill.

In the bill—and again I encourage our colleagues to go and look at what is in the underlying bill—we try to allow school districts to have that choice, to use the resources available either for class size or for teacher development, professional development, again focusing on what goes on in that classroom between that teacher and that student.

The goal is to boost student achievement. What is needed in Alamo, TN, might be different than what is needed in Manhattan, or the Bronx, or down in Fort Lauderdale, FL. One school might need class size reduction if the classes are very large in certain subjects. Another school might need a better and higher quality teacher in that classroom.

The underlying bill takes those two components of teacher quality and class size, pools those resources, and says to local communities and to local school districts: You choose as to which of those areas you need to apply those resources to boost student achievement.

I think it is very important because class size in some cases can be very important. We all know that. If you happen to be in a State or a community where class size is very large in certain subjects, I think it is very important that class size be reduced. Other parts of the country might have already reduced class size down to an appropriate level, in their judgement, and they prefer the freedom to use that class size reduction money, and teacher development money, to recruit teachers or attract teachers by paying them more, or by encouraging their professional development.

What we want to do is give local school districts the freedom to spend the money in a way that they believe will best increase student achievement.

School districts should have the flexibility to decide whether to use that money for class size or for teacher development. That is very simple. That is what we have heard laid out in the bill. It is very important for people to understand that it is that flexibility, that local identification of need, that principle, on which we are voting at 2:20 today. We fundamentally believe school districts should be given maximum freedom and flexibility as to how they use those funds.

Again, it is important to understand the underlying bill. Basically, we pool these resources from class size reduction and teacher development and put them together. We give that local school district the opportunity to use them in the best way they see fit.

Over the last several days we have talked a lot about cost effectiveness of our education dollars to get the very best bang for the buck, the very best outcome and achievement for the dollars invested. When you look at it that way, in terms of cost effectiveness of the dollars being invested in education, that is what we are doing in the underlying bill. We are becoming not education spenders but education investors by investing in the system and investing in that flexibility and local control.

For every dollar invested, it is important to look at what sort of outcome you achieve. If we say school districts shouldn't be forced to downsize classes, and recognize that some have downsized the class size already, then you can ask how effective is each of those dollars invested in terms of cost effectiveness.

It is interesting, if you go back and look at the studies which examine at all sorts of different and independent variables regarding boosting student achievement, class size does not come at the top or even in the middle but further down on that list. In fact, in many of these studies, it is the least effective reform, but it is coupled with the very highest price tag. So in terms of dollars invested, the effect is it falls to the lower end of those scales.

Studies have found that class size can be among the least effective educational investment, especially when you compare it to something like teacher education or teacher development—providing teachers with the resources they need to become better teachers, or to become better educated, for example, to become a real specialist in the field they are teaching.

Again, I don't want to overplay this because I, for one, think class size is an important variable, but I think it is important to recognize that is addressed in the underlying bill. The resources are there. We are simply saying to give the local community the flexibility to use those dollars in a way that gives the biggest bang for the buck invested.

What is the No. 1 variable in many of these studies? If you look outside of parental involvement, which again we encourage in the underlying bill, it is to have a highly qualified teacher in the classroom—not the size of the classroom but a highly qualified teacher.

One recent study conducted at the University of Rochester examined more than 300 studies on the impact of class size reduction and found that it is the quality of the teacher which is much more important than the absolute class size. The National Commission on Teaching & America's Future found that teacher education is five times as effective for each dollar invested as is class size.

All of us can remember our own teachers when we were young and the impact that a high-quality teacher has in the classroom. It is a lasting impact. A smaller classroom has an effect—a here and now effect—but it doesn't have the lasting effect that a highly qualified teacher does in the classroom.

A study done in Tennessee found that the impact of a high-quality teacher continues for at least two years after the student has left that teacher.

Bill Saunders, who has been quoted again and again on this floor, determined that the percentile difference

between the student who has 3 years of high-quality teaching versus 3 years of poor quality teaching could mean the difference between a student that is enrolled in a remedial class versus an honors class—again, underscoring the critical importance of not just having more teachers in the classroom but having high-quality teachers in the classroom.

Over the last week or so we have talked a lot about the shortage of high-quality teachers. The fact is that more than 25 percent of new teachers enter our Nation's schools poorly qualified to teach.

We talked a little bit about the studies that have shown that mastery in a subject area is the most tangible teacher quality. When you look at that measure, we are simply not doing as good a job as we should.

Many teachers either lack a major or minor in the subject they are teaching. Fifty-six percent of physics and chemistry teachers lack a major or a minor. Thirty-four percent of English teaches lack a major or minor. And 34 percent of math teachers lack a major or minor.

It is important for people to understand that compulsory class size—focusing just on class size—can exacerbate the problem of having a shortage of high quality teachers.

Over the past week, we talked about a little bit about California's experiment with compulsory class size. It led to many credentialed teachers coming into the classroom. It led to underqualified teachers, and an increase in teacher aides rather than teachers in the classroom—all providing direct instruction to students. This hit especially hard in the underserved areas in inner-city schools, and in rural schools.

Where is the impact? I think the impact of declining teacher quality has been greatest in low-income schools, if you look at the studies altogether. That is where the percentage of qualified teachers has dropped nationwide—but specifically in the California studies.

The third point that I would like to make is that there is no need today for compulsory class size reduction. Again, it comes back to this opportunity of freedom to choose class size reduction, if you want, or to spend those moneys on training teachers.

I mentioned that it is important to understand what is in the underlying bill. In the bill we have combined professional development with class size money. Teacher quality and teacher recruitment varies from community to community. It varies from district to district. We want to have that right balance between class size and having a good high quality teacher in the room. That is why we chose to pool those two resources together and allow that local school and that local school district to choose either a combination of both of those, or one versus the other.

The underlying bill permits school districts to use Federal dollars to recruit high-quality teachers.

The underlying bill supports school efforts to establish incentive programs such as differential pay to attract, hire and keep highly qualified and knowledgeable teachers.

The underlying bill contains specific provisions for recruitment. It supports efforts to recruit individuals who have careers outside of teaching but whose life experience provide a solid foundation for teaching.

The underlying bill also looks at the issue of class size, support schools in hiring teachers, reduce class size, if they so desire it, and to address the teacher shortages in particular grades in subject areas.

The underlying bill addresses the issue of teacher development and promoting teacher reforms, including mentoring and master teachers.

The underlying bill looks at issues, such as alternative credentialing programs.

The underlying bill addresses teacher opportunity payments, allowing funds to go directly to teachers so they can choose their own professional development.

In conclusion, I want to make it very clear from at least my standpoint, and on our side of the aisle, that we are not opposed to class size reduction. Again, I for one think that an appropriate class size and appropriate ratios, depending on where you are in the subject matter, is important. I point out, many areas in many regions have already addressed this particular issue. Secondly, the underlying bill permits States and school districts to use those pooled Federal funds in the best way they see fit.

We increase the number of high-quality teachers by promoting innovative teacher reforms, including alternative certification, merit pay, and the list I just mentioned.

I urge my colleagues to defeat the Murray amendment. Again, it will be a very important vote that we take at 2:20 today because I think it does move us in the wrong direction: less choice, less freedom for our local communities, less flexibility, and less attention to local needs.

Mr. President, I urge my colleagues to vote against the amendment later today and look forward to participating in the debate as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, today I rise, once again, to urge my colleagues to continue our commitment to help our schools reduce classroom overcrowding.

Before I begin, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: Senators LEVIN, MIKULSKI, and SCHUMER.

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

Mrs. MURRAY. Mr. President, we all want to improve education. In the last few years we have made a lot of progress. In fact, thanks to our commitment at the Federal level, local schools have now hired about 34,000 new highly qualified teachers.

Because of our investment over the last 3 years, almost 2 million students are learning in less crowded classrooms today. That is because of the Federal commitment we have had. Those kids are learning the basics. They have fewer distractions and fewer discipline problems. Isn't that what we want for all of our kids?

Over the last 3 years we have done the responsible thing by supporting what works. But the underlying bill, despite the rhetoric you have just heard, takes a very different approach. It breaks our commitment to investing in smaller classes. I can tell you as a parent, as a former educator, and as a former school board member, it is the wrong way to go. We should be building on our progress. That is why I am offering this amendment today.

In just a few hours we are going to vote on this amendment. So I want to talk about some of the arguments we have heard throughout the debate last week and today and probably we will hear more of today.

First, we have heard that smaller classes do not really make a difference. Let me tell you, any parent or any teacher knows better. The first questions parents ask their kids when they come home from school on the first day in September are: Who is your teacher? And how many kids are in your classroom? Parents know it makes a difference on how many kids are in that classroom as to whether their child is going to have a successful year or not.

It is not just parents and it is not just teachers. Research, over and over again, has shown us that smaller classes help children succeed. The Tennessee Project STAR—Student/Teacher Achievement Ratio—study has consistently demonstrated that reducing class sizes in K–3 to 13 to 17 students significantly increases children's reading and mathematics scores. And the biggest gains have been found for poor and minority students—those children who are most in danger of being left behind.

Studies have shown that the children in those smaller classes in the early grades were: More likely to take college entrance exams, more likely to finish high school, more likely to enroll in college, less likely to become teen parents, and less likely to go to jail.

In the last month two new studies that have been released interpreting the STAR study have concluded that smaller classes produce significant benefits. One joint study by researchers from Tennessee State University and the University of Chicago found significant increases in ninth grade math test scores among students who had spent their early grades in smaller classes, with the gains even more pronounced among minority students.

Robert Reichardt, a researcher with Mid-continent Research for Education

and Learning, concluded in yet another study that class size reduction ''provides policymakers with a direct lever for influencing classrooms'' and is one of a few policies that ''offer such immediate concrete effects.''

As in Project STAR, students participating in Wisconsin's SAGE class-size reduction effort outperformed their counterparts in larger classrooms on standardized tests.

Again, as in the other studies, these benefits were strongest among African American students who had larger gains than their white counterparts.

So not only can smaller class size help raise student achievement overall, but reduced class size may be an especially effective measure for closing the ''achievement gap'' between black students and white students.

Let me turn to a second argument we have heard. I keep hearing that Federal money should not be targeted for a specific purpose such as making classrooms less crowded.

I remind all of my colleagues that in this underlying bill we have targeted money for many causes, including reading, technology, afterschool programs, school safety, and charter schools and magnet schools.

In fact, there are more than 20 targeted funding streams in the underlying bill.

If targeted funding were really the problem, and why we should vote against this amendment, then those who vote against my class size amendment ought to vote against the entire bill.

Some have said we should just let school boards choose how to use this money. But that really ignores the realities local school boards face. I served on a local school board. I know what it is like to try to set aside money to hire new teachers for the foreseeable future when you do not even know if a school bond is going to pass next month. That is one of the reasons it is so hard for local schools to hire new teachers to reduce overcrowding on their own.

Fortunately, because of the work we have done in the last 3 years, today they are not on their own. They have a Federal partner to help them make that critical investment. We need to continue that commitment.

The truth is, the underlying bill would pit two key elements of good schools against one another: Small classes and good teachers. Under this bill, any dollar that local schools decide to spend on smaller classes comes at the expense of a dollar spent on teacher quality. We should not make our schools choose between two priorities that are important; we should fund both.

This kind of ''false flexibility'' that we see in this underlying bill would be unacceptable in most other arenas. Do we make our military choose between weapons and training? Of course not. We know both are necessary to protect our Nation. Do we make a sick patient choose between food and medicine? Of course not, because we know both are necessary.

Why then, in this underlying bill, are we forcing our schools to choose between high-quality teachers and smaller classes when we know both are necessary to help our children learn?

In their zeal to assail small classes, some people have even claimed that a good teacher is more important than a small class size. Let me say this as clearly as I can: Small classes and good teachers are both important. The importance of funding teacher quality should not crowd out funding for other important reforms such as smaller classes.

I also point out that smaller classes can help us recruit and retain good teachers. One of the main reasons that teachers leave the classroom is job dissatisfaction. The truth is, we are losing a lot of teachers very early in their careers. After 1 year of teaching, we lose 11 percent of our new teachers; after 2 years, we lose 21 percent of them; and after 5 years, it is now up to 39 percent.

Why are we losing teachers out of our classrooms? Studies have shown that one of the main reasons is job dissatisfaction. One of the main causes of job dissatisfaction: Overcrowded classes. Another top complaint: Student discipline. We know there are fewer discipline problems in smaller classes. We need to keep good teachers in our classrooms. That means we ought to invest in teacher quality. But it also means we should reduce overcrowding to encourage more good teachers to stay in our classrooms and give their students their best.

This is not just about statistics. The other day in this Chamber I read an excerpt from a letter sent to me by an award-winning teacher from Pullman, WA. Kristi wrote to me that she is very frustrated. Every day she tries to give her students her best, but with large classes that is getting harder and harder. Kristi is a great teacher. She is a national award-winning teacher.

She is asking us to help her be the kind of ''high-quality'' teacher we say we want for every child by giving her a class small enough for every child to get the attention they need.

Dedicated teachers such as Kristi spend their lives helping our children to learn. We reward them with working conditions that none of us would tolerate.

Fourth, some on the other side have said we should focus our reform efforts on testing and accountability. The truth is that this amendment is even more essential because of the testing and accountability provisions in the underlying bill. This bill could punish students for failing tests, but it does not give them the tools they need to pass those tests.

Implying that testing is some kind of magic bullet that will somehow turn around low-performing schools is simplistic. The truth is far more complex. Testing is just one of many tools, and it is useless by itself. Tests can identify problems but without the support to solve those problems, tests have little value. Tests alone cannot improve a student's achievement, but give that student a smaller class and a good teacher, and the sky is not even a limit for his or her potential success.

I want all of us to think about that. No test is going to help a student learn to read or learn to write or learn to add. A smaller class and a qualified teacher will.

We can take a classroom of students and give them tests every day for 10 years, and those kids won't do better unless they have a qualified teacher in a classroom that is not overcrowded, where they get the individual attention they need to learn.

Let's make sure we give those kids the tools they need to pass the test, not just to take the test. Let's invest in what works. Our schools are facing bigger challenges than they ever have before. They are educating more students, and more students with special challenges are filling our classrooms such as children with limited English proficiency and disabilities. They are educating them to meet higher standards and succeed in an increasingly complex world.

We know many schools need to do a better job. Schools need to be held accountable and teachers need to be held accountable. But in Congress, we must also be held accountable for meeting our responsibilities as a Federal partner to our schools. Believe me, if we pass this bill without guaranteed funding for things such as smaller classes and with huge unfunded testing mandates, we will be held accountable.

Finally, I will mention something we did not hear from the other side but is at the heart of what is going on in the bill. We did not hear this new funding scheme that is in the underlying bill described as a block grant. That is exactly what it is. The reason it is not called a block grant is because parents know that block grants offer less accountability, less focus on things that work, and in the end less funding. So instead of calling it a block grant, they now call it ''a funding pool.''

Parents don't want pools of funding. They want commonsense investments that make a difference, such as smaller classes and decent facilities. We have heard a lot of excuses. We have heard a lot of rhetoric. The only thing that will matter when this debate is done is how the students in Kristi's classrooms and thousands of classrooms across our country do next year.

I have shown my colleagues why the arguments that have been raised don't hold up. I close by mentioning some of the reasons we should target these dollars to smaller classes.

Parents know better than to believe the false rhetoric about smaller classes not helping children learn. Smaller classes result in more individual attention for students and better student performance on assessments. They

produce long-lasting academic benefits such as lower dropout rates and more students taking college entrance exams and long-lasting social benefits such as less teen pregnancy and incarceration. Rhetoric about choice and flexibility will not go very far when parents ask us why class sizes went back up. The reasons we need a guaranteed funding stream for class size reduction are clear.

In closing, I urge my colleagues to invest in the things that work. As local schools across the country try to make progress in the face of growing challenges, let's give them the tools they need to succeed.

Mr. NELSON of Florida. Mr. President, will the Senator from Washington yield?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the ranking member for the time.

I compliment the Senator from Washington on her amendment and for the tremendous insight she brings, as someone who has participated on a school board, as a mom, who understands education from the grassroots.

As the Senator from Washington was talking, I couldn't help but think, I don't get to go to the movies very much, but there was one movie about 2 years ago named ''October Sky'' that I saw. It was about a coal mining town in West Virginia and how the escape for those young people in school from a life of coal mining was only through the avenue of a dedicated teacher who ignited their little minds.

In this particular case, they were called the rocket boys. They went out and built miniature rockets, won the State science fair, got the college scholarships, and were able to go to college. It is based on a true story about one of those rocket boys who went on to become a very accomplished NASA engineer.

It popped into my mind because of what the Senator was saying about the importance of the teacher and the teacher being able to interrelate with the children in that classroom. If it is a classroom of 50 or 60 children, that personal attention, that interaction just isn't going to occur.

How many studies do we have to undertake to understand that when class size is reduced, particularly in the formative years of kindergarten through the third grade, it shows up in spades later on in life by the child's ability to accomplish and succeed.

The Senator's amendment is so clear. This is like voting against motherhood. I can't imagine anybody would not be supporting this amendment. We have already had 2 years of experience with this program. It clearly has started to work. The Senator wants to extend this program for another 5 years for a total program of 7 years.

If I went to my State and asked the average citizen on the street: Do you want to lower class size by hiring more teachers over a 7-year period, to have the Federal Government invest more by hiring 100,000 teachers, I would get an almost unanimous response.

I add my voice of appreciation to the Senator from Washington for her wonderful commentary and for her very insightful amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes off the bill on the amendment.

I commend the Senator from Washington, Mrs. MURRAY, for bringing this measure back to the Chamber, urging the Senate to support an amendment which will make available to school districts the additional funding for smaller class sizes with a particular emphasis on K–3 classrooms.

Senator MURRAY brings a unique and special credibility to this issue as someone who has been an active school board member and also someone who has been a first grade school teacher. Although she didn't review that experience with us this morning, I think all of us who have listened to her make this presentation and fight for this program remember clearly the very compelling case that she has made.

I think it still echoes in my ears about the schoolteachers who are in the classes with 30 children, trying to deal with all of their particular names and needs, as compared to a teacher in a smaller class of 15, 13 children, where she is able to spend the time to give the individual kind of attention to the child, and particularly that child who may have some very special needs on that particular day. It is translated into helping and assisting children in the earliest grades to be able to develop their interests and their awareness in terms of education and reflects itself in terms of an enhancement in their academic achievement and accomplishment.

Now there has been some suggestion on the floor of the Senate that this is not effective, that the studies indicate this is not effective, that it is one of the least desirable reforms. I hope those who maintain that position will at least be good enough to illustrate what studies they were referring to, because I am going to give three practical studies that are compelling information and make a compelling case in support of the Murray amendment. They are overwhelming. And you don't have to go back years to look at the results of the studies, all you have to do is look at the front page of the newspapers here Tuesday of last week:

Prince Georges' Test Scores Show Best Gains Ever.

Then you read down through this:

Prince Georges County students posted their highest gains ever on a key standardized test used to gauge how local children measure up to their peers nationally, according to the results released.

Then the school superintendent, when asked about what the principal contributors were in moving the children along in this direction:

[She] said she hoped that county and State leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size.

There it is. Results. Reduce class size. We reject this idea that you have to make a choice between well-qualified teachers in the classroom and smaller class size. The Murray amendment says we can do both. That is our position, that we can do both.

With all respect to our colleagues on the other side, the ones who have been addressing this issue voted against getting an allocation of resources in our committee toward having well-qualified, well-trained teachers with professional development and mentoring. As many of us tried to say, let's make sure we are going to provide that, and that was rejected in our committee. Now, in some kind of an attempt to defeat the Murray amendment, they say the No. 1 question is: Are we going to have a well-trained teacher in every class?

We are for it. The Senate voted in favor of it, with a strong bipartisan vote to expand that last week. What we are also saying is we want to have a well-trained teacher in the class with professional development and mentoring programs, but we also want the smaller class size, as has been done here every time we have reviewed this amendment. All we have to do is look at the results.

I think what would be useful is, rather than speculating perhaps what each Member believes is best in the local community, to look at what is happening out in the country and what the results are. Maybe we can benefit from what is happening when we have results. That is what we have.

In the STAR program in the State of Tennessee, April 29, 1999, report, it says:

The original STAR research tracked the progress of an average of 6,500 students each year in 79 schools between 1985 and 1989 (and 11,600 students overall). It found that children who attended small classes (13–17 pupils per teacher) in kindergarten through grade 3 outperformed students in larger class sizes (22–25 pupils) in both reading and math on the Stanford Achievement Tests for elementary students. The second phase of the STAR research found that even after returning to larger classes in grade 4, STAR's small class students continued to outperform their peers who had been in larger class sizes.

That is what we have, Mr. President. The study goes on and shows that students in smaller class sizes are more likely to pursue college, small classes lead to higher graduation rates, students in small classes achieve at higher levels, and the list goes on. That is Tennessee, 6,500 students.

We can go to what took place from 1996 up to the year 2000 in the State of Wisconsin, the SAGE Program. The exact same results—30 schools, 21 school districts. When adjusted for preexisting differences in academic

achievement, attendance, and socioeconomic status, the SAGE students showed significant improvement over their comparison school counterparts from the beginning of the first grade to the end of the third grade across all academic areas. The charts go through there.

We can take the Rand study. That is not known to be a flaming liberal or Democratic organization—the Rand Corporation. Here they examine smaller class sizes in California —more than 1.8 million students. This is their conclusion:

Smaller class sizes with certified teachers—

That is what we stand for. We have the certified teachers with the authorizations we passed last week in a bipartisan way. But also we haven't got the guarantee that there will be resources in here for the smaller class sizes. Here is the Rand study that was just produced in July of last year:

Smaller class sizes with certified teachers have the greatest benefit for the neediest students.

Why not do both? That is what the Senator from Washington is saying. Why don't we do both? We are doing the well-qualified teachers. Why not do smaller class sizes? Why be in the situation? We have to make a choice. We know what is working. Let's give that option to the local communities. That is what the Murray amendment does.

Here it is:

Smaller class sizes with certified teachers have the greatest benefit for the neediest students. Evaluation shows that those students in the most disadvantaged schools were most likely to be in larger classes, or have less-qualified teachers. Students in smaller classes still outperformed their peers in larger classes, even with less-qualified teachers. These students could be performing even better if all children in these schools had fully qualified teachers and smaller class sizes.

That is the Rand Corporation. If we want to try to do something to help children in local communities, let's take the best in terms of studies. Let's take the best in practical experience. Let's take the best in terms of our own intuition and understanding about a schoolteacher in a classroom where they are familiar with the children and can spend the time with the children versus in a larger classroom. That is what this is really all about.

Finally, I want to read this. I have other examples. In Fayetteville, AR, there is a wonderful story about a rural school that took advantage of the Murray amendment, because although we are resisted on the floor of the Senate by our Republican friends, in the past we were able to, under the leadership of Senator MURRAY and President Clinton, have an effective program that is currently working, and one we want to keep.

Let me just read a very brief letter from a student at the Richmond Elementary School from Narragansett, RI. I think it could have been from any number of children. This is from Marieke Spresser:

If I were in a smaller class, I would do more projects. I could talk more with my teacher about school. I could read more in my book packets. I could have more time for centers. I could have more time for snacks. I could ask more questions. I could talk more with my friends. The coat room would not be so messy and we would not waste the time looking for something. The line would not be so long.

My colleagues get the sense from this student. Even though there are references about other activities, my colleagues have an understanding, which the children have, that should not be lost as well. If we are talking about developing a legislative initiative that is going to present the best we possibly can to local communities, let them make their choice; let them make the decision. They are the ones who are going to ultimately make the request.

There is nothing mandatory in here, but let us at least pass legislation that reflects the best of educators and practical experience. The Murray amendment does that in spades. It is a compelling case. It should be accepted, and I hope it will be.

My colleague, the Senator from New York has arrived. The Senator from Washington can yield time to our colleague.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank the Senator from Washington. I rise to express my very strong support for Senator MURRAY's class size reduction amendment.

I have been in this Chamber several times in the last weeks talking about class size and have shown numerous pictures of conditions in the classes in the schools in New York. I have listened to the extraordinary description of other colleagues as to what their students and teachers face day in and day out because of overcrowded classrooms.

I know we will be making decisions that determine the opportunities for our educational achievement for our students for years to come when we vote on this amendment and on the bill of which I hope it will be a part.

I have to reiterate several points and call on my colleagues on both sides of the aisle to look at the evidence. I do believe sometimes in Washington we live in an evidence-free zone. It does not matter who comes up with whatever scientific research or evidence. If it runs against any particular political point of view, it is not given the seriousness it deserves.

I do not see how we can turn our backs on the evidence that we have from study after study that lower class size, when it comes to teaching children from disadvantaged backgrounds, makes all the difference.

Sometimes my colleagues say: But there are schools that do a good job with more students, and I remember when I was in school and we had a lot of students.

I can remember that, too. I started school when we had three television networks. I can remember when we had more two-parent families. I can remember when we did not have all of the social and cultural interference with raising children that we now face.

The fact is, we have to take our kids where they are today, and many of them today are coming from situations where they need more attention, more adult time, more discipline, more guidance in order to be academically successful.

We are turning our backs not only on the research which points that out time and again but on these children. I hope my colleagues who have not seen fit to support this amendment will reconsider it. It is not too late to cast a vote for the kinds of classrooms where teachers can teach and children can learn.

If you look at our big States with big cities—and I know New York has obviously a special set of issues because of the size of our school district in New York City, but it is not unique. In Pennsylvania, for example, the average class size in Philadelphia is 30 children per class. In Pittsburgh, it is 25 children per class. In Chicago, it averages 28. In Georgia, it averages 32.

This is not an issue for just Senators or teachers or school board members to be concerned about in debate. Much of the attention I have seen focused on this comes from parents who know their children are not getting academic assistance they need to do the best they can do.

There is a woman in New York whom I commend who started a grassroots parents organization called Class Size Matters. She began to form networks of parents around the country who know because they have seen with their own eyes and their experience of their children, that class size matters.

In Pennsylvania alone, this Class Size Matters network got 1,700 parents to sign a petition in just 2 days, urging the Senate to vote in favor of class size reductions.

I have heard from parents throughout New York who tell me in great detail how crowded their classrooms are and how they need help. This does not interfere with flexibility. This does not take anything away from the local school districts determining priorities, but it does give additional help and resources to those districts and those parents who know that unless we get those class sizes down, their children will not learn to the extent they should do so.

I also regret deeply that if we do not adopt this amendment, we will be stopping the progress we have made.

New York State has hired to date 2,600 teachers and has 700 more all ready to be hired. This will stop that hiring, and we know from the 2,600 we have already hired what a difference it makes in the classrooms of New York.

I believe that without dedicated funding for reducing class sizes, our

hardest pressed, most needy districts will not receive the dollars they need to reduce the classes.

Mr. President, I urge my colleagues to stand behind our children, our parents, our teachers and reduce the size of our classes and adopt Senator MURRAY's amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. How much time does the Senator from Michigan wish?

Ms. STABENOW. Five minutes.

Mrs. MURRAY. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I commend my colleague from Washington State who has been such a stalwart on this commonsense issue. If you were to ask anyone in the public whether it makes sense to have smaller class size so that our children can receive the attention they need from the teacher and have the opportunity to interact in the classroom and maximum opportunity to learn in the classroom, everyone would look at you and say: Well, of course, that ought to be a priority.

We have been able to back up the commonsense nature of this ideal with numerous studies that have been talked about by my colleagues today about what has happened around the country and the difference smaller class size makes.

I want to share with my colleagues what is happening in my great State of Michigan. I have a colleague, a former State senate colleague, Senator Joe Conroy, who is the Senator MURRAY of Michigan. For years he has been speaking about the importance of lowering the number of children in a classroom and how critical that is to teaching. He has been bringing those studies to Michigan, and Michigan finally took action in 1996.

For the 1996–1997 school year, thanks to Senator Conroy, Michigan created a pilot project in Flint, MI, to focus on grades 1–3 and to create a 17-student-per-teacher classroom, a ratio of 17 children to 1 teacher in the high-risk schools.

They found it was so successful after 3 years that the State of Michigan has begun to look for ways to expand that and has now expanded a classroom project to lower class size to 26 different districts in Michigan.

That is the good news. They found in Flint that, in fact, it made a difference that children's performance in reading and math increased dramatically. They are now looking for ways to bring that to children all across Michigan. But the challenge is that there are over 500 districts, and the State has been able to expand to 26 districts, but they need our partnership. They need this Murray amendment. Our children in Michigan need to know that we in Washington understand the critical importance of partnering with the States to lower class size so that our teachers can teach and our children can learn.

We have heard the numbers. We have heard about national studies. Let me just add an analysis of a Texas program that used data from 800 school districts containing more than 2.4 million children. They found that as the number of children in a classroom went up above 18 students per 1 teacher, student achievement fell dramatically. So the more children in the classroom, the lower the achievement.

We have seen study after study that has shown this. We have the opportunity in the Senate to show that we have responded to the common sense and the studies that have indicated very clearly the direction in which we should move as we look at improving education for our children.

I support having strong standards, high standards, and I commend colleagues on both sides of the aisle for initiatives that relate to accountability. But if we do not also provide the opportunity for children to learn in small classes, if we do not also focus on recruiting more certified teachers, and make sure there are an appropriate number of classrooms and they are modernized so the tools are there, we are only doing half the job.

I urge my colleagues to support the Murray amendment. It has made a difference. It will make a difference. The efforts that we have seen in Flint, MI, and now expanded across Michigan, have demonstrated very dramatically that if a teacher is able to spend the time in a classroom—and the ideal number we found in Michigan is 17 to 18 children per classroom—if you are able to do that, if that teacher has the opportunity to spend time with children in a small class, we know reading scores go up, math scores go up, and student performance goes up in general. We also know that classroom is more safe; there is a better opportunity in general for children to be in safe, quality schools when we focus on small class size.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, I ask how much time remains on our side?

The PRESIDING OFFICER. The Senator has 16 minutes.

Mrs. MURRAY. How much remains on the other side?

The PRESIDING OFFICER. The Senator from New Hampshire has 43 minutes.

Mrs. MURRAY. I ask the Senator from New Hampshire when he intends to use his time? Mr. President, we have 16 minutes on our side and 43 minutes on the other side. If I could just inquire when the other side intends to use their time?

Mr. GREGG. I believe the Senator from Minnesota wished to speak. We will proceed after the Senator from Minnesota.

Mrs. MURRAY. I yield 5 minutes to my colleague from Minnesota.

Mr. WELLSTONE. Mr. President, I will just take 3 minutes because I want to give the Senator from Washington as much time as possible.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Michigan for her response. I ask unanimous consent I be included as an original cosponsor.

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

Mr. WELLSTONE. Mr. President, I heard the Senator from Florida state to the Senator from Washington he appreciated her grassroots perspective. I do as well. I didn't serve on a school board. I wish I had. I keep calling on people in Minnesota to please run for the school board. We desperately need good leadership on our school boards. There is no more important issue and there is no more important public service.

I certainly agree with what the Senator from Michigan has said. The only thing I would add to this debate is, while I didn't serve on a school board, I have averaged being in a school every 2 weeks for the last 10½ years. I love to teach. I was a college teacher. I was in Woodbury High School yesterday. I love being in schools. Almost every time now in the last year or so we have gotten into discussions about education, I pretty much ask students: What do you think makes for a good education? Where do you think the gaps are? What works well? what does not? Why?

Really, over and over again the first of two things students talk about is good teachers. When they talk about good teachers, they never then define good teachers as teachers who teach to worksheets. They are not talking about drill education. They are talking about teachers who fire their imagination, get them to relate themselves personally in relation to the material that is being discussed. Also you hear about smaller class size.

I agree certainly with the little ones, under 4 feet tall, it is critically important. But I frankly think it goes all the way through high school. When you ask students to talk about why, it is just a no-brainer to them.

They say the good teachers are the teachers who get to know us, who can interact with us and can really support us, and they are much better able to do that when there is a smaller class size.

I am a proud Jewish father. My daughter is a great teacher. Next year, the school in which she is teaching will have to lay off 40 teachers for many reasons, including an awful State budget. She will have 50 students in her Spanish class. It is hard to get to know them well and give them the help they need.

Maybe this is the best way I can support this amendment. She said she kept the parents around the night of the parent/teacher conference and had

them all crammed into the classroom. She sat them all down and said this year she has 40. She said: Next year, there will be 10 more. That means your child will get 1 minute.

If you think about a class, and they were all sitting there, thinking: This doesn't work very well, does it?

It does not. At the national level, the one thing we can say is there are certain priorities we have, and there is a certain commitment we make to all children wherever they live. We at the Senate say we know good teachers and small class size are important, so we make this commitment in our education legislation. Therefore, I am proud to support your amendment. I certainly hope it will be agreed to in the Senate.

I have no doubt that at the grassroots level in all of our States, the people we represent, including the students who maybe cannot even vote, view this as a priority for them.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to both sides. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The Senator has 11½ minutes.

Mrs. MURRAY. The other side?

The PRESIDING OFFICER. They have 43 minutes.

Mrs. MURRAY. I ask the Senator from New Hampshire when they intend to use their time? Certainly we have several Senators coming to the floor. We would like to use our 11½ minutes. If the other side doesn't want to use their time, we would love to have some of it.

Mr. GREGG. I appreciate the generosity of the Senator from Washington. I yield to the Senator from Alabama 20 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the courtesy of the distinguished Senator from New Hampshire and appreciate his leadership on all issues relating to this education bill. As a former Governor and a person who has been deeply involved in trying to get the best possible advantage from every dollar spent on education, his influence has been very valuable to us in this body. I think President Bush—as a former Governor himself who made education a high priority, who traveled his State and who was in schools and met with school boards and principals all over his State, he wrestled with those kinds of issues that face all educators—also is providing great leadership. I am pleased to be able to support legislation that he proposes.

We deeply care about improving learning in the classroom. My wife and I both have taught. She taught a number of years. We care about it, have been active in the PTA and those kinds of things, and have tried to keep up with the relevant issues of importance to education.

With regard to class size reductions, it would seem that class size reductions is a wonderful idea. I am sure teachers would say: Wouldn't it be great if I had a smaller group of students? And teacher unions like it; they get to hire more teachers. Polling numbers show that people think they like that.

How are you going to improve education? What do you want to do? Poll? Reducing class size. That sounds like a good idea. It sounds like a good idea to me. It sounds like a good idea for politicians who want to please the public and do something about education. I have thought over the years it is a good public policy we ought to pursue.

I do not suggest there is no benefit from reducing the size of the class.

I think we need to be real serious about it. We are talking about a lot of money and a major commitment. We need to know whether or not this is the best way to achieve additional learning.

Senator MURRAY's goal is a noble one. I know it comes from her heart. She believes in it. But her amendment is, in fact, a federal mandate and a $2.4 billion requirement on education for fiscal year 2002 alone. It is in such sums as are necessary for the next 6 years. It would require States to use those funds to reduce class size whether this is, in their mind, a local need or not.

The bill we have under consideration would allow schools to use the already increased Federal funds for class size reduction, but it does not require them to do so. It leaves those decisions in the hands of the States and localities. I think they should make those determinations.

In addition to that, I think we ought to be real careful in this body when we pass an amendment—if we were to pass this amendment—that we would be sending a signal that it is the considered opinion of this body and the Federal Government that class size reduction ought to be made the No. 1 priority in the schools around America. If that were the right thing to do, I would feel more comfortable about this.

Reduction of class size is a highly expensive policy to place on the States. Many researchers have found little or no benefit in reducing class size.

Some would say, JEFF, that is just skinflint talk. You are always frugal. You are always worried about spending money, and you know that we are going to have more learning if we have smaller classes. Why would you suggest otherwise? I thought so myself. But the more I look at the facts and the studies, I am less and less convinced that we receive any real benefit from a reduction in class size.

Professor Hanushek, a professor at the University of Rochester, and now I believe at Stanford University, has written that class size reduction is best thought of as a political decision. Past evidence suggests that it is a very effective mechanism for gaining voter support, even if past evidence also suggests that it is a very ineffective educational policy.

The problem is, we are dealing with a counterintuitive circumstance here. But we weren't thinking this way in 1988. The Department of Education of the United States declared that reducing class size in 1988 was probably a waste of money.

Then we had a series of efforts and programs around the country and campaigns to raise this issue. It seemed to have taken hold.

I would like to mention a few facts that we need to consider if we really want to make sure the money we are spending benefits children.

In 1961, the average class size in America was 30. In 1998, the average class size was 23.

Most Americans who are thinking about reducing class size probably don't realize that the average class size in America is that small. I think we have made some very good progress in reducing class size already. In fact, that is almost a one-third reduction since 1960 in the size of classes.

Unfortunately, we need to ask ourselves what kind of benefit have we received from this one-third reduction, this reducing down to 23 students per classroom. If we look at the standardized test scores over that same period from 1960 to 1998, scores have fallen. They have not gone up.

You say, well, a standardized test is not a perfect evaluation for a lot of complicated reasons. That is true. But most experts who have studied these numbers will tell you they believe fundamentally test scores have not gone up since 1960. I think most would agree they probably have at least declined some.

The NAEP scores of 17-year-olds have been conducted since 1969, and from 1969 to 1995, class size dropped 23 percent. But NAEP scores on academic improvement show that math and reading were level and science and writing declined.

We have a continual decline in classroom size and no improvement in learning scores. I think that is strong evidence when we are talking about these numbers.

Make no mistake. When we reduce a class size by one-third, what have we done? We have required that we hire one-third more teachers. We have required that we build one-third more classrooms; that we will have one-third more insurance to pay for; one-third more maintenance; and one-third more upkeep and all the things that go with operating a school—a tremendous wealth investment in classroom size reduction.

We have had big classroom size reductions, and I have always thought that was great. But we surely haven't had great test score results in recent years.

The question I guess would be, if we have already had a one-third classroom size reduction and no benefit, why do

we think further reductions of a significant order are going to be paid for in increased educational return? I think that is the question with which we need to wrestle.

In 1994, Professor Hanushek did a study. He examined 277 studies that have been conducted of the effects of classroom size in America. He took every one of them. He pored through their data and examined it and reached a number of startling conclusions. He published his study. It showed that in statistically significant studies 15 percent of the studies found some positive benefit from reducing classroom size and 13 percent found a negative benefit from reducing classroom size—negative, adverse consequences from reducing classroom size. Seventy-two percent were basically neutral and didn't show any effect. If you took all the studies, it was 27 percent positive and 25 percent negative.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. Yes.

Mr. KENNEDY. To what studies are we referring? I am trying to understand. We had the study in Tennessee, and the STARS study. I am trying to find out what these studies are and who conducted them.

Mr. SESSIONS. This is a study by Eric Hanushek, a professor at the University of Rochester who published his writings, and who I think is well known in the field and referred to by experts.

Mr. KENNEDY. I apologize to the Senator. I did not hear him.

Mr. SESSIONS. Professor Hanushek.

Mr. KENNEDY. Where is he from?

Mr. SESSIONS. He is now from Stanford University, I believe. He was at the University of Rochester, I believe, previously.

Mr. KENNEDY. What is the title of the study? I want to have a chance to review it.

Mr. SESSIONS. I would be glad to get the Senator the information.

Mr. KENNEDY. Is this the only study that we are using?

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

Mr. SESSIONS. I would be glad to yield and talk about it specifically.

Mr. GREGG. Hanushek is a professor at Rochester. He looked at 300 different studies on the question of class size and its effect on pupil performance in the classroom. He also looked at teacher performance in the classroom and teacher professionalism and performance in the classroom. Within those 300 different studies on that subject, he evaluated and came to the conclusions being related by the Senator from Alabama very precisely.

Mr. KENNEDY. Is this the only study that the Senator is using? I used the Tennessee study, the California study, and then the Prince George's results. I am wondering whether the Senator has other studies? I know the Senator from Tennessee referred to multiple studies that are being done on this. I was just trying to be able to look at the studies myself.

Mr. SESSIONS. I will be glad to provide the Senator his analysis of the existing studies he reviewed. That was his conclusion.

He also reviewed the Tennessee STAR report in some depth and concluded that its methodology was dubious, that benefits, at best, were very small, even under the STAR report. It took an heroic endeavor by the writer of the STAR report, based on a single British study of how much more money you make, if you receive a little more education, to justify the expense of it.

His conclusion was that the problem with that analysis is that it compares something to nothing. If you count the amount of billions of dollars that were spent on reducing class size, and you receive such a minimal benefit, perhaps it would be better spent in focusing on questions such as quality teachers.

We know, for example, that good teachers benefit students dramatically. We have studies, that I think are not disputed, that top-quality teachers can produce learning in a year of 1.5 year's worth of learning under their tutelage, whereas a poor teacher may produce an average of .5 year's worth of learning. In other words, an excellent teacher could gain for a child in learning a full year's advantage over a poorer teacher.

If we are going to go out and hire one-third more teachers to reduce class size further down, aren't we running a risk, and isn't that probably why the numbers do not show the kind of improvement we desire? Because we are bringing in less qualified teachers, who may not be producing the kind of quality learning environment that excellent teachers would be. Which would you prefer?

Mr. KENNEDY. May I ask the Senator a question?

Mr. SESSIONS. Yes.

Mr. KENNEDY. Did you review the Rand study? You mentioned that they did the STAR school study and that he questioned that. They had the SAGE review in Wisconsin. And they have the Rand study, which involved 1,800,000 children last year, with very positive results. This is the Rand Corporation. I wonder if——

Mr. SESSIONS. I would like to see the Rand study. I would just say this, that Michigan Professor Linda Lim has done comparative studies of the United States and Asian schools and found that class sizes are 50-plus in places such as Taiwan and they have not kept those schools from surpassing ours.

Mr. GREGG. If the Senator from Alabama would yield?

Mr. SESSIONS. I will.

Mr. GREGG. The Rand study came out after Professor Hanushek completed his study in Rochester. The Rand study has been referred to by the Senator from Massachusetts. I think it is important to note that what the Rand study concluded was that class size might impact student performance but it was the most expensive way to accomplish it; that, in fact, you got much more benefit from the dollars spent if you improved the teacher quality, if you improved the resources of the teacher, in most instances. That was the specific conclusion of the Rand study.

In fact, the average cost per pupil for reducing class size to 17 students, under the Rand study, was found to be $450 per student in a high-poverty district, whereas the same academic aims could be achieved with the average cost of $90 per pupil by providing increased resources and improving the capability of the teacher to teach.

The point, of course, of the underlying bill, which the Senator is trying to amend, is that we give that flexibility to the local school districts. We say to the local school districts: If you need to hire more teachers, you can. But if you think you want to improve the support facilities for the teachers, you can do that, or if you want to improve their talents, you can do that.

We are giving that option to the State and local school districts to decide which is the most efficient, effective and cost-effective way to do this.

Mr. SESSIONS. I think the Senator from New Hampshire is precisely correct. It may be that a school system is in circumstances where they believe that class-size reduction is important. That can be done under this bill as it is written today. They can use the funds for class-size reduction.

But I think we ought to be careful that we do not require them to take steps that could cost tremendous sums of money, money which could be better spent for bringing in a high-quality computer laboratory, a new science laboratory, the latest and best ways to teach mathematics, sending teachers to attain advanced degrees and advanced training in history and science and math and how to teach reading. Those kinds of things may be more important than simply whether the number of students in the classroom is 20 or 16. If you go from 20 students to 16 students in a classroom, that is a 20-percent increase in the number of teachers you have to hire. If you go from 20 students to 16 students, you have to have 20 percent more classrooms and 20 percent more overhead and cost.

So I would just say that from Professor Hanushek's analysis, and from what appears to be common sense over 40 years of rapidly reduced class size with no academic benefit, we ought to be a little bit humble in this body before we start suggesting that it is the sole and best way for any school system in America to spend its money to enhance learning. That is all I am saying in opposition to this amendment.

I have serious doubts that this is the best leadership we can give to American schools. If the best we can say is, don't make any changes, keep on with business as usual, we will just give you more money and more teachers and a smaller class size, that is not going to

guarantee that learning will improve in America. We have not seen that improvement. The data does not show it. Serious scientific questions have been raised about the importance of it.

With regard to the highly touted Tennessee STAR experiment, that experiment was based on a class reduction of eight students over the comparative-size classroom—a very expensive proposition. If you have 24 students in a class and you reduce the class size by 8 students, and go to 16 students, you have increased the number of teachers needed by one-third and increased the number of classrooms needed by one-third. That is a huge increase and huge reduction in class size. We have, at best, according to Professor Hanushek, something like a .2 percent statistical or standard deviation improvement, raising real questions about the validity of that.

So the critical issue for us, it seems to me, is that we do not need to be pressing this mandate down on schools, requiring them or making them think that the only way they can get Federal money for this project for teachers is to go on a commitment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. May I have 30 seconds to wrap up?

Mr. GREGG. I yield the Senator another 2 minutes.

Mr. SESSIONS. We need to be sure we are not spending $2.4 billion a year in encouraging a further investment in classrooms and overhead for schools on a policy that sounds good—that is, to reduce class size even further than we have reduced it in the last 30, 40 years—when we may not be receiving an educational benefit from it.

I do not know about all the studies, but I know this professor examined 277 of them as of 1994. He found no benefit statistically proven for smaller class sizes in education. Isn't that stunning? It is almost counterintuitive. But that is what he found. No studies that I have seen have shown any dramatic improvement.

So I think we ought to allow the local school systems a choice as to whether they want to go to smaller class sizes, improve their science lab, or have better teachers, more funding for top-quality teachers, more training for teachers who are weak. That kind of choice would be better for education.

We need to be more humble in this body about what we think we know.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. Eleven and a half minutes on the Senator's side and a little over 20 minutes on the other side.

Mrs. MURRAY. I thank the Chair.

I yield 7 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 7 minutes.

Mr. REED. Mr. President, I rise in strong support of Senator MURRAY's amendment to authorize class size reduction. I have been listening to this rather pedantic discussion of studies and analyses. We can point on one side to a study from Tennessee and on another side to a study from an eminent expert from the University of Rochester. The reality is much more obvious.

Ask any parent in America if they want to have their children in a class of 27 or 15. The answer is always 15. Go to any prestigious private school in America and they are not advertising: Come to our school; we have 50 in a class just like Taiwan. They are saying: Come to our school; small class size; constant contact with teachers—the kind of atmosphere that provides for academic success.

Look around. Just last week, the headline in the Washington Post read: ''Pr. George's Test Scores Show Best Gains Ever.'' What did the superintendent want to do with these remarkable results? The superintendent said she hoped that the county and State leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings. That is not some scholar from Rochester or some statistician looking at Tennessee. That is the superintendent, a local school official, who said: We are doing better, but we can do better if we lower class size and repair our buildings.

The other point that should be made is that this program is voluntary. It is not a mandate. It does not say: If you take this program, you cannot have any other Federal program in the realm of education. I have seen the results firsthand.

In Providence, the capital city of my State, they use this program very flexibly, very innovatively. They sought a waiver to use class size funding for literacy coaches that would coteach in elementary schools half the time, and deliver school-based professional development the other half of their working time. Through this program, we are able to do what everyone on this floor seems to be talking about: reduce class size and enhance professional development.

This is a program that we have supported over the last several years on a bipartisan basis. We made a downpayment to help communities hire 100,000 teachers. That is something that every parent in this country wants. That is something, apparently, that school leaders such as Superintendent Metts of Prince George's County want. It is something that scientists and researchers have indicated is working in Tennessee and elsewhere. It is something that obviously should be done, and I support Senator MURRAY.

I make two other points: First, class size reduction has to be tied to funds to increase the number of classrooms. That is another portion of an amendment that has been brought to the Chamber.

In addition to that—and this is reflected in a note I received from Jonathan Kozol—by gearing up with an elaborate testing regime, we are putting the cart before the horse. We should first be reducing class size. We should be first increasing title I moneys. We should then go ahead and provide for funds to improve the physical structure of schools. Maybe at that point, maybe when urban children have the same environment, the same teacher ratios as you see in suburban communities, we can start testing them.

We are going to test these children, and urban kids are going to do much worse than suburban kids. Why? Not because they are not capable. But when you are in a school that is falling down, when you are in a school with a large number of children, much larger than the suburban areas, when you have teachers who are not getting the professional development they need, you are not going to get the kind of results you get elsewhere. That is the reality.

We can talk about tests and studies in Rochester and elsewhere, but the reality we know. Frankly, most of us, if we had a choice to send a child to school, we would look for smaller classrooms. We would look for buildings that are not falling down, teachers who are highly motivated, highly qualified, and highly prepared. That is where we would send our child.

Let's give every American family that chance. The one way to do it is to support the Murray amendment.

I yield back the time to Senator MURRAY.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Mr. President, I have spoken at some length prior to this time on my concern for the Murray amendment. I know it is well directed and well intentioned, but it fails to appreciate the fact that local schools have a variety of needs for their teachers.

Some schools need more teachers, so they want to hire them. Some need better qualified teachers, so they will want to improve the ability of the teachers who are in the classroom. Some may have high-quality teachers they want to keep in the classroom but are being attracted to some other private sector activity or public sector activity, so they need to pay the teachers more. Some classrooms just need more technical support to assist the teacher or teaching aids such as computers or some sort of monitor capability that allows the student to interface with the teacher in a way that the teacher can guide them.

We don't know the answer to which one of those teacher tools are needed, whether it is more teachers, better teachers, better paid teachers, or better support for teachers. Therefore,

this bill addresses the issue by giving the local school districts the option of choosing, of taking the teacher money and the Eisenhower grant money, merging it and saying to local schools: You make the decision on teachers, if the money must be spent on teachers. You make the decision as to how you can best improve your classrooms. You, the principal, the family, the parents who participate in the PTA, or the school boards, the actual teachers make the decisions, rather than creating an arbitrary program which says every school in America needs to have more teachers, when that is not necessarily the case.

In fact, 48 to 46 States—something like that—44 States already have teacher ratios of 18 to 1 on average in their States. As a practical matter, a lot of States already meet the criteria for which the original concept of this bill was set up. What those States need is better teachers, better trained teachers, maybe teachers who are better paid, and keeping teachers in the classroom.

There was one thing said by the Senator from Rhode Island with which I agree. He said most parents are going to choose a school that has better teachers or smaller class size or better facilities. Unfortunately, the other side of the aisle isn't interested in allowing choice in the classroom. They have been resisting choice since the debate started.

There will be an opportunity to set up a demonstration program which will allow 3 States and 10 school districts to apply to use choice as an option so that parents can choose as to whether or not they want to stay in that school that is working or maybe a school that is failing, but in any event, whether they want to stay in a school or whether they want to move to another school.

We have in this bill something called supplemental services which says to parents, if your child is in a failed school, after 3 years you can go out and get tutorial support for your student. But if your child is in a failed school and that school has failed for 3 years, you should have some other choice—if you want to be able to take your child and move them to another school, a private school, if that is what you want as your option. That is what happens in Philadelphia. It is what is happening in Arizona and Florida. It is what is happening in a number of areas across the country where schools are consistently poor, consistently failing, which are not educating the children, where when you send your child off to school in the morning, you don't know whether they are going to be beaten up or subjected to some sort of exposure to drug sales or whether they are going to learn anything. A parent should not be put in that position.

Remember, it is interesting what we are talking about now. We are not talking about wealthy parents or even moderate-income parents. In those instances, most of those parents, if they have decided to choose—and many of them have by physically living in a different area than they otherwise might, than in an urban area, for example—those parents will make the choice. We are talking basically about low-income parents in urban areas and specifically single moms with children.

Those are the people we have trapped in schools that fail year after year after year. We say to that parent: I am sorry; your kid is never going to be given a chance in America because we are never going to educate your child. We are never going to give your child an opportunity to be educated. We are always going to send them to a class where we know that class is not working, a school that we know has failed for 3, 4, 5 years. We are not going to give you any options or any opportunities for choice.

I was interested to see that the Washington Post, which isn't necessarily a conservative newspaper, has come out very strongly in two editorials in the last 2 weeks saying: Let's at least try a demonstration program on the issue of choice, on the issue of portability. Let's pick a few districts across the country where people are locked into schools that are failing, especially low-income parents, and give those parents some other opportunities.

When the Senator from Rhode Island talks about giving choices, yes, I am for choice. I am for saying to schools that have for 2, 3, 4 years not met the grade and their children are locked in those schools on a path which means they cannot participate in the American dream because they are not learning: You have to straighten up. You have to do a better job or else the parents or the kids are going to get some options that are real. They are going to be able to take their kids and put them in schools where they are actually learning something. That is a big issue.

Back on the issue of class size, this bill as it is presently structured addresses that issue. It addresses it with flexibility. It makes a decision on whether or not a new teacher should be hired to the local school district. But it gives the local school district the discretion that if it does not need new teachers but, rather, needs to pay teachers more or improve the quality of teachers or give teachers technical support, they can do that instead.

I just don't understand the philosophy of a Government that says we in Washington know how to run the local schools. I don't understand that. That is essentially what this amendment does. It says if you want the money, you are going to have to hire more teachers; we in Washington know you have to have more teachers.

A lot of school districts in the country don't need more teachers; they need better teachers. By adding more teachers, you end up with worse teachers. The California experience is exactly that. They dramatically increased the number of teachers. They went from 1,000 unaccredited teachers to 12,000 unaccredited teachers, which meant 12,000 teachers who may not know how to teach because they were not accredited and who may not even know the subject matter they are teaching were added to the classrooms.

So reducing class size didn't help those kids. All it did was mean fewer kids got poorer teachers. Good teachers in the classroom is the key—a quality teacher, not necessarily class size. That has been shown in study after study.

As a practical matter, this is too much a one-size-fits-all amendment. This is that stovepipe approach that says we in Washington know how to run you, the local school district, versus saying to the local district: If you need more teachers, you can hire them—which is what our bill says—and if you need better teachers, you can try to improve teachers' ability. If you need to pay your best teachers more, you can do that. If you need to support teachers, use the money that way. It is a much more logical and flexible approach which addresses the needs of school districts in a much more practical way rather than simply command and control from here in Washington.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seven minutes.

Mrs. MURRAY. I yield 2½ minutes to the Senator from Washington and then 2½ to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I thank the Senator from my home State for yielding me time on this amendment.

I applaud Senator MURRAY for her consistent and passionate support for education throughout her political career. Her advocacy for education has deep roots dating back to her early experience as a legislator working for more funding for schools in her own special experience in volunteering and schoolteaching children in the Shoreline area.

This amendment is very important for the reasons some of my colleagues have said. It will provide the type of flexibility our school systems need. It is something that has been proven to work, and this is a program that works. Over the last 2 years, when we say a program has worked, we can show success. Thanks to this program, 1.7 million children across the country and over 23,000 schools are benefiting from smaller class size, primarily in the early grades when children most need personal attention from their teachers.

As we have heard from other speakers, smaller class size not only has demonstrated an impact on increasing educational performance but also has helped to limit disciplinary problems,

and, importantly, small class size has helped encourage greater parental participation in their children's education.

I strongly urge my colleagues to support this legislation that will lead to better student achievement, fewer discipline problems, more individual attention, better parent-teacher communication, and dramatic results for poor and minority students. This program does provide flexibility. Up to 25 percent of these funds can be used for other things. This is a program we cannot afford to cut but we need to continue because it is working.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I certainly thank the chairman, the sponsor of this amendment. I want to ask her if she would be kind enough to yield for a question.

Mrs. MURRAY. Yes.

Mr. DURBIN. I have listened carefully to the Republican opposition to this amendment to reduce class size in America. I am stunned at the suggestion that putting fewer kids in classrooms does not create a better learning experience. Every parent knows that. I can recall raising one child, then two, then three, and how the challenge grew geometrically as the number of children grew. I can't imagine facing a room full of 30 kids and saying it is just as easy to teach there as it is in a room of 13 or 18 children.

The thing that is said repeatedly by one of our colleagues is that ''this is a mandate.'' I ask the Senator from Washington to say once and for all, are we mandating school to districts that they have to reduce class size with this amendment?

Mrs. MURRAY. I thank the Senator for his question. Let me make it very clear, this is not a mandate. This is funds that are available to school districts to use to decrease class size. School districts that need those funds dramatically can apply for them with a simple application. The funds go directly to them. They are able to use them. It is not a mandate.

Mr. DURBIN. I thank the Senator.

The difference here is that most of us come to this debate as former students and parents. Senator MURRAY comes as a former teacher—one of the few in this body. She has stood in front of classrooms of children and taught them. The rest of us here have been pupils sitting at desks or parents wondering how our kids are doing. She comes here saying lower class size gives teachers a better chance to reach children. It is not just her opinion; studies show it.

The STAR project in Tennessee, which has been followed for years, showed significant gains in smaller class size. In Chicago last week, Larry Hedges at the University of Chicago and Barbara Nye of the University of Tennessee produced a study that found that smaller class size in the early grades produced better math scores not only in the third grade but all the way into high school—a full 6 years after the student was in a small elementary school class.

It stands to reason. Think about how discouraging it must be for a child who has a special need or a problem to be ignored day after day after day, until they have lost all interest and fall behind. In a smaller class a teacher can reach out and pick out a child who needs special attention. This is not a mandate; it is an option that makes sense.

We have decided in this bill to focus on the needs for reading—and I support that—and the needs for technology—and I support that, too. Just because President Clinton came up with this idea doesn't mean it is a bad one. It has worked. It has reduced the size of classes across America and has given kids a better chance. I don't think that President Bush, who has called for bipartisanship, should have a negative attitude just because this idea came about on someone else's watch. Aren't there some good ideas on both the Democratic side and the Republican side that we might put into this bill?

Sadly, unfortunately, that is the part of the debate we have overlooked. More than 29,000 teachers were hired with Class Size Reduction Program funds in 1999, benefitting approximately 1.7 million young students. This bill eliminates that program. To do that is to turn your back on basic human experience: A teacher with a smaller number of students is going to be a better teacher and the students will have a better chance.

I support the Senator's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, how much time do we have?

The PRESIDING OFFICER. There are 12 minutes 50 seconds on the Senator's side and 1 minute on the other side.

Mr. FRIST. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to restate the significance of the vote that we will have in about 2 hours—exactly 2 hours, as a matter of fact. It is a vote that will reflect the underlying principles of freedom—freedom to identify local needs and respond to those needs in a way that is specific to the problem, to the challenge, to the need in the community, or in a school, and address the principle of who best decides how to accomplish the goal we all agree to, and that is boosting student achievement. Is it Washington, DC, the Federal Government, or is it parents, local communities, local schools, principals—the very people who can identify what the needs might be?

The legislation captures it all in many ways, and therefore I think that we, our colleagues, and the American people should follow closely how the votes go because the bill captures that principle of flexibility and local control versus sort of a one-size-fits-all programmatic approach, a categorical approach that has so characterized our efforts over the last 35 years.

In 1965, the Elementary and Secondary Education Act was passed. Since that time, there has been, literally, a litany of programs, not 10, 20, 30, or 40, but 50, 60, 70—up in the hundreds by some counts—of well-intended programs based on the idea that if there is a problem it can be fixed by Washington. For example, if there are too many students in classrooms in one part of the country; let's try to fix it in Washington by telling the local communities how to spend their education dollars.

Mr. President, this is about freedom, the freedom of local communities to use federal resources—resources that come from the taxpayers, the people back home, wherever our homes may be—as they see fit. Those resources, those dollars, begin with the taxpayer, then come to Washington, DC, where they are distributed through huge bureaucracies in these categorical programs—all well intended—but all of which have been layered one after another, like this amendment, over the last 35 years and essentially accomplishes nothing when measured against student achievement, or the goal, which President Bush has spelled out so beautifully and demonstrated such true leadership, of reducing over time the achievement gap that exists between the served and the underserved.

If that is truly the goal, we clearly need to do something different, and that something different, as outlined by President Bush, and as incorporated in the underlying bill, is to maximize accountability through assessments and testing, and to provide local communities with the flexibility they need to identify needs and use the resources we make available to address those needs.

As was spelled out today, as well as earlier this week and last week, we have emphasized, in the underlying bill, which is a bipartisan bill supported by both sides, the relationship between teacher and child. Close your eyes and see it: There is a teacher, students, books, technology, computers, but what really ends up having the most value is that relationship between teacher and child. There are many other variable, the number of students in the classroom, how disruptive the students are, how safe the classroom is.

But if we put all those variables in there, we know that at the end of the day, if you have a bad teacher or a poor-quality teacher at the head of the class, nothing else matters very much. It is the quality of the teacher—not just the number of teachers, not just warm bodies in the room—but the quality of that teacher matters. That, as indicated by the studies I cited earlier today, is what determines how well that individual child learns.

What is good about the underlying bill, and why I strongly urge my colleagues to oppose the Murray amendment, is that we do not make that decision. The data is there. We do not force or encourage or incentivize the system to go one way or the other in terms of higher quality teachers, better recruitment, or professional development versus hiring another teacher and reducing class size.

We basically say: No, you decide. If you are in Nashville, TN, in a disadvantaged part of Nashville, TN, or in rural Tennessee, you decide how you can best use that education dollar based on your local needs. The pooling of resources, the discretion we give to local communities about how to use that dollar we feel is so important, we believe that school districts should have the flexibility to decide whether to use the money we have made available for reduced class size, for teacher training, for technology in the classroom, or some other means to reduce the student achievement gap.

There is some data, as I mentioned—again, I am one who thinks class size is, indeed, an important issue. I just think it needs to be determined by a particular school or a particular district rather than by Washington, DC.

There are studies that have prioritized the importance of class size. The National Commission on Teaching and America's Future found that, if your goal is student achievement, then teacher quality is five times more important than class size per se. Class-size reduction is important, but in a relative sense it is less important than having a good quality teacher.

The New Hampshire Center for Public Policy Studies found student grades were not linked to class size. Smaller classes did not lead to better test scores, and that there was no difference in the achievement of students from small classrooms versus those from large classrooms.

In Dallas, researchers confirmed that one of the studies that was done at the University of Tennessee found that not only did high-quality teachers have an enormous impact on student achievement, but that low-quality teachers actually stunted the academic performance of their students.

We have a shortage of high-quality teachers. People who say class size is the answer need to recognize—again, it has been spelled out over the course of the morning and last week—that there is a shortage of high-quality teachers.

We do need to invest—remember, the purpose of this bill is to invest in education because the role of the Federal Government is no longer spender but investor. We know this because after about $120 billion over 35 years, we are still not accomplishing our goal. So, it's not just a matter of money but a matter of investment. If you are a prudent investor, you need to make sure that the outcome is delivered, and in education the outcome is student achievement.

If we have compulsory class size reduction, basically we are putting more teachers in the classroom. But if we have a shortage of high-quality teachers, by definition it means we are going to be taking lower quality teachers.

The data outlined is clear: You actually hurt children rather than help children if you are putting poor quality teachers in a classroom today and, therefore, it is very important that you weigh the relative importance of putting just bodies at the head of that class, interacting with your children, against putting high quality people at the head of the class.

The point is, we give the school, the school district, the parents, the opportunity to make that choice based on the needs they identify—it could be through assessments, it could be identification of that local need in any way that school district or that school sees fit.

Our underlying bill is very different from the Murray amendment which overrides the school district priorities, and overriding the school district priorities in many ways restricts that choice, that freedom. That is why I urge defeat of the Murray amendment and hope my colleagues will join me in defeating that amendment.

Again, as has been outlined in the underlying bill, we stress professional development, as well as class size, but it must be a local choice.

Mr. President, I yield the floor and urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mrs. MURRAY. Mr. President, in my last 1 minute, I will address two quick points. Our colleagues keep referring to local control. How can one define a bill against an amendment that it should be local control when this underlying bill itself requires Federally mandated testing, requires funding streams for reading, for technology, for 20 other programs? That is fundamentally a flawed argument against this.

Our argument is about local control. Local schools decide whether they want to reduce class size knowing they have a Federal partner if they want to make that happen.

Second, I keep hearing the Hanushek study referred to.

Let me remind my colleagues that the Hanushek study is based on study of pupil-teacher ratio which includes all of the certified people in the building which is today almost everybody. Hanushek is fundamentally flawed because he does not look at class size. All of the studies that we have shown from Wisconsin, Tennessee, the RAND study, and the California study dramatically show that reducing class size increases student performance.

How tragic it will be if this Senate does not approve this amendment and keep the commitment to reducing class size that we began 3 years ago.

Thank you, Mr. President.

Mr. SPECTER. Mr. President, I seek recognition to comment on Senator MURRAY's amendment regarding class-size reduction. Yesterday, I withdrew my second degree amendment, amendment No. 388, which would have accomplished what I sought to do last year on the appropriations bill covering the Department of Education. I would have preferred to give class-size reduction in hiring new teachers a presumption among the various items which the Federal funds could be spent for on teachers. If a school district would make a determination that other issues—such as training teachers to improve the education of students with disabilities or those with limited english proficiency—are more important, then I believe Federal funds should be available for those purposes as they may be decided at the local level.

As chairman of the Appropriations Subcommittee that is responsible for funding critical labor, health and education programs, I have sought to strike a balance between providing States and localities the flexibility they need to implement programs designed to improve the academic achievement of all students—thereby relieving them of Washington's straightjacket—and placing the highest priority on those issues that we deem critical to the success of America's schoolchildren.

I believe that we must weight carefully the flexibility our States and school districts need to improve student achievement with priority programs such as class-size reduction. The underlying bill will permit the Federal funds to be used for class-size reduction by hiring more teachers although it lacks the impetus which a presumption would have given.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, I yield the remainder of my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. THOMAS).

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

The PRESIDING OFFICER. We will now resume consideration of the Murray amendment No. 378. There are 5 minutes equally divided before the vote.

The Senator from Washington.

Mrs. MURRAY. Mr. President, in a minute we are going to be voting on a

very important amendment which reduces class size in first, second, and third grades and continue the commitment this Congress has made in the last three years.

Frankly, I cannot believe the Senate just spent 2 hours debating whether or not smaller class size makes a difference. We know it makes a difference. Any teacher, parent, or student will tell you that, and we have the research that proves it.

This vote is our opportunity to support the progress being made in schools across the country and to show that we are willing to invest in the things that work. If our colleagues vote against this amendment, in September when parents find their kids back in overcrowded classrooms, they are going to be upset. They are going to want to know why you voted against smaller classes. You can tell them about flexibility, choice, and funding pools, but the truth is, none of those buzzwords will help their kids learn to read when they are fighting just to get a teacher's attention. The choice we make today will demonstrate whether ''no child left behind'' is just a catchy campaign slogan or a national commitment. I hope it is the latter. I urge my colleagues to support this amendment, and I yield back the remaining time on our side.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Murray amendment. The bill before us clearly states that Federal funds must be used for activities that will improve teaching and learning in the classroom, including the hiring of highly qualified teachers, if that hiring will improve student performance. The decision as to how Federal money is to be used is up to the local school district.

Although there are teacher shortages in States and localities, there are also areas where teacher shortages are not prevalent. As you can see from this chart, which illustrates class size over the last 40 years, the recent trend in the mid to late 1990s indicates that class size is averaging around 17 students per teacher.

I oppose the class size reduction amendment because I believe local schools are in a better position than we are to determine how best to distribute funding in regard to professional development and hiring practices. S. 1 gives local school districts the opportunity to make their own decisions about the expenditure of dollars for the purpose of improving their teacher corps, which, in turn, will hopefully lead to gains in overall student performance. I urge my colleagues to oppose this class size amendment.

Mr. President, I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MILLER (after having voted in the negative). Mr. President, on this vote, I have a live pair with the Senator from Hawaii, Mr. AKAKA. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' I, therefore, withdraw my vote.

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—48

Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Edwards	Mikulski
Boxer	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Graham	Nelson (NE)
Cantwell	Harkin	Reed
Carnahan	Hollings	Reid
Carper	Inouye	Rockefeller
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—50

Allard	Fitzgerald	Murkowski
Allen	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Ensign	McCain	Warner
Enzi	McConnell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Miller, against

NOT VOTING—1

Akaka

The amendment (No. 378) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The Senator from Kansas.

AMENDMENT NO. 413 TO AMENDMENT NO. 358

Mr. BROWNBACK. Mr. President, I have an amendment I call up.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself and Mr. KOHL, proposes an amendment numbered 413.

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

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

The amendment is as follows:

(Purpose: To provide for a study regarding the effects on children of exposure to violent enterainment, and to require the National Assessment of Educational Progress to gather information regarding how much time children spend on various forms of entertainment)

At the end, add the following:

SEC. 902. STUDY AND INFORMATION.

(a) STUDY.—

(1) IN GENERAL.—The Director of the National Institutes of Health and the Secretary of Education jointly shall—

(A) conduct a study regarding how exposure to violent entertainment (such as movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement; and

(B) submit a final report to Congress regarding the study.

(2) PLAN.—The Director and the Secretary jointly shall submit to Congress, not later than 6 months after the date of enactment of this Act, a plan for the conduct of the study.

(3) INTERIM REPORTS.—The Director and the Secretary jointly shall submit to Congress annual interim reports regarding the study until the final report is submitted under paragraph (1)(B).

(b) INFORMATION.—Section 411(b)(3) of the National Education Statistics Act of 1994 (20 U.S.C. 9010(b)(3) et seq.) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, in carrying out the National Assessment the Commissioner shall gather data regarding how much time children spend on various forms of entertainment, such as movies, music, television, Internet content, video games, and arcade games.''.

Mr. BROWNBACK. Mr. President, I rise today to urge the adoption of this amendment to S. 1. I am delighted to be joined in this effort by my friend and colleague, Senator KOHL from Wisconsin. I would also like to thank the chairman of the Committee on Health, Education, Labor, and Pensions for his work in securing the passage of this amendment. I think this is a noncontroversial amendment so I am going to summarize the point.

Over the past several years, we have had a number of hearings by this Congress about the impact of entertainment, particularly violent entertainment, on children, and the accessibility of such entertainment to children. This last summer we had the six major health organizations in the country—the American Medical Association, American Psychiatric Association, American Academy of Pediatrics, and others—sign a statement which said that exposing children to violent entertainment can actually cause increases in aggression and hostility and decreases in empathy.

Since then, there have also been reports of studies focusing on how violent entertainment affects a child's brain activity. Less than a month ago, USA Today reported on one study conducted by Professor John Murray of Kansas State University. It showed the results of MRIs taken of children who were watching violent film clips. The reporter concluded: ''The scans showed that violent film clips activate children's brains in a distinctive, potentially violence-producing pattern. Although children may consciously know

that violence on the screen isn't real, their brains are treating it as gospel truth.''

We know that a young child's mind goes through extraordinary development, particularly before the age of 7. We know the influences on their early life can profoundly affect both what they think about and how they think. New research has provided interesting insights into how parents can create the best learning environment and most encouraging learning environment for their children—what influences and factors will encourage the healthiest development of a child's intellect and cognition and enhance their abilities as they develop and move forward in life.

Despite these studies and their implications for the way a young child's mind grows and develops, as well as how they perform in school, there has been very little study on how exposure to entertainment, particularly violent entertainment, affects their cognitive development. This is not a data gap; it is a chasm. And it needs to be filled.

It is in the public interest to find out what the impact of exposing children to violent entertainment has on their cognitive development. It is also in the parent's best interests, as well as in the best interests of children, and, obviously, it is in the best interests of this country. Therefore, the amendment I am proposing, along with my colleague, Senator KOHL, would be a first step in addressing this data chasm.

It calls for a study on how children's cognitive and academic achievement are affected by exposure to violent entertainment. It calls on the National Institutes of Health and the Department of Education to jointly work out a plan for conducting this study, subject to congressional approval, and to report its findings.

The more we know about how our children's young minds are formed and cultivated, the better we can educate, nurture, and care for them. This amendment is an important step towards realizing that goal.

In conclusion, let me say this: We know that currently children in America spend more time in front of a television, a computer screen, or a play station than they do in school. They certainly spend more time in front of one of those screens than they do talking with their parents. We know children spend a large portion of their waking hours focused on entertainment, and we can assume that it has some impact on their thoughts, attitudes, and even abilities. But what we do not know yet is what exposure to violent entertainment does to a child's cognitive abilities. Some of the early studies seem to be very troubling about what it is doing to a child's brain. That is why we are asking for this study, so we can learn about this much better.

Mr. President, I wonder if Senator JEFFORDS, the manager of the bill would be willing to engage me in a short colloquy concerning the pending Brownback-Kohl amendment.

I thank the managers of the bill for their willingness to include our amendment in the education bill. We think this is an important addition to the legislation because it will give Congress and the Department of Education a tool for evaluating the effect of violent entertainment on the cognitive development and educational achievement of our children.

It is the Senator's intention when we go to conference in the House to make every effort to assure that the Brownback-Kohl amendment is included in the final version of the bill?

Mr. JEFFORDS. Mr. President, this amendment has been cleared on both sides of the aisle. We all agree that the Brownback-Kohl amendment, which would gather data on the use of violent entertainment by children through the National Assessment of Educational Attainment and require a joint National Institutes of Health-Department of Education study on the issue, is highly relevant to improving the educational performance of our children. It is my intention to keep this provision in the final version of the education reform package when it comes out of conference with the House of Representatives.

Mr. KOHL. Mr. President, I just want to add that there have been no objections from our side of the aisle to including the Brownback-Kohl amendment in the bill. I appreciate Senator JEFFORDS' cooperation with me, Senator KENNEDY, and Senator BROWNBACK to get this amendment included in the bill. I also appreciate his assurance that he will do everything he can to make sure our proposal is included in the final education reform bill.

Mr. BROWNBACK. Mr. President, I do not know of anybody who is opposing this amendment. I ask for its adoption. There may be other Members who would like to comment on this amendment. I believe it is possible we may be able to proceed to a voice vote on this amendment while we are still on the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is entirely appropriate that we study the impact of violence in the media on young people. The increasing incidence of violent behavior is alarming and we should carefully scrutinize the causes of that violence.

It will be very helpful to learn which types of imaging and broadcasting have causal links to violent behavior. A great deal of research has already been conducted in this area. For example, researchers at the Massachusetts Institute of Technology have studied the impact of violent images in movies, television and video games and have expressed caution against a presumption that there is an isolated cause and effect between violent images and violent action.

I also believe that access to guns is indisputably part of this critical problem. There is no one individual cause of this disturbing social pattern and we should avoid simplifying either this problem or our solution to it.

However, many young people spend a great deal of time watching television and movies and we should explore incentives to the industry to provide entertaining material that is nonviolent.

Industry leaders have expressed a willingness to incorporate improved warnings for parents to monitor the programming that their children do watch, and we should do all that we can to make these worthwhile tools accessible and understandable.

We should be ready also to acknowledge that the entertainment industry is not solely responsible for increasing violent behavior in our youngest citizens.

The Senate should also improve a broad range of opportunities for children to help them achieve to their fullest expectations and dreams. We can increase funding for Early Start and Head Start. We can improve the learning experience of children once they enter school, including reducing class size and teacher quality.

I have sponsored—and I have worked very closely with the Senator from Mississippi, Mr. COCHRAN—on our Ready to Learn legislation to ensure that time spent watching television by young preschool children will be entertaining and educational. With a modest $15 million Federal appropriation, public broadcasting has created effective educational programming that develops skills necessary for success when a child enters a classroom for the first time.

Accompanying material is provided for parents, caregivers and other family members to encourage reading in the child's home environment. We should be tripling funding for this program, but instead, this bill seeks to eliminate it.

The number of awards that those programs for children have been nominated for has been truly amazing. There have been over 40 Emmys for all the ready-to-learn programs. ''Between the Lions'' has really been an extraordinary success. It and its Web site have won several awards. The series won the Parents' Choice Gold Award for best show for kids aged 4 to 7. It was recently named the Best Children's Show in the country by the Television Critics Association. It has just been nominated for several Academy Awards. And the Web site won two awards in the fall of 2000: Best Children's Entertainment Site from the Massachusetts Interactive Media Council and Best Kids Web Entertainment from NewsMedia.com's Invision Awards.

We welcome the Senator's amendment and think it is an entirely appropriate one. We also recognize there are important additional matters to which we should give focus.

I support a serious examination of the impact that violence in the media

has on young children. I am, as well, hopeful we can also improve the educational components of our media.

As I know the Senator is aware, we attempted, for a number of years, to make that as a condition for the relicensing. What happened, of course, is that it never worked because we would find that with the application the broadcasting industry would just label programs as children's programs, and they never really carried forward the effect of that.

We have been remarkably unsuccessful in monitoring and affecting the kind of violence there is on television. But when we provided a very limited amount of incentives for the development of children's programs, and worked those through public broadcasting, we have had some amazing success.

I look forward to working with the Senator in terms of getting this study, this review, and also working with him to try to see what can be developed to attract families, and particularly parents with their children, to watch the programs on television that can be useful, positive, constructive, and, hopefully, educational and helpful to the children as well.

I urge acceptance of the Senator's amendment.

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

Mr. JEFFORDS. Mr. President, I do not believe there is any objection to the amendment.

I yield to the Senator on his amendment.

Mr. BROWNBACK. Mr. President, I believe we are ready to proceed to a voice vote on the amendment. Unless the Senator from North Carolina would care to address the amendment, I think it would be appropriate for us to proceed to a voice vote. I call for a voice vote at this time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 413.

The amendment (No. 413) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 462 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Voinovich amendment No. 443 is the pending business.

Mr. EDWARDS. I ask unanimous consent to lay that amendment aside, and I call up amendment No. 462.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 462 to amendment No. 358.

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

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

The amendment is as follows:

(Purpose: To provide for an independent analysis to measure school district achievement)

On page 679, after line 25, add the following:

''(6) support for arrangements that provide for independent analysis to measure and report on school district achievement.''.

Mr. EDWARDS. Mr. President, my amendment is very simple and straightforward. It deals with the issue of testing.

Much of our education bill we have been discussing for the last several days and much of the administration's proposal is modeled after what has been done in North Carolina. In North Carolina, we have had in place for a number of years a very vigorous measurement and testing regime. In fact, we already have annual testing in reading and math in grades 3 through 8, which is precisely what is being proposed by the administration and is incorporated into this bill.

This testing process has played a very important role in allowing us to measure student performance in North Carolina and also to identify low-performing schools so we can make an intense effort to turn those schools around.

What I have learned from visiting our schools and talking with students and teachers is that testing in and of itself is not an end. It is a means. From talking to students and teachers and at town hall meetings talking to parents about this testing procedure that has been used in North Carolina, I have learned that there is a great deal of concern that students are spending too much time preparing for tests and teachers are spending too much time in the classroom teaching to the test.

It has gotten to the point where some students and some teachers believe the tests dominate the classroom. And because of the way the tests are given and administered and the kinds of tests that are given, it can sometimes be counterproductive to the learning process.

What we are doing in this amendment is providing that States can go to private outside firms to evaluate the testing in a particular school district to determine whether it is working, how effective it is, and also to make comparisons with the testing being used in that school district as compared to the testing being used in another school district someplace else in the country.

The basic theory is these private outside firms can identify school districts where the testing is working, where it is effective, where it has as little impact as possible on the learning process inside the classroom so the teachers, the students, and the parents feel the testing process is working. It allows them to measure but, at the same time, it doesn't interfere with the substantive learning process of the students, for the students and the teacher.

The basic idea is the State is allowed to contract with these outside firms which can evaluate the testing programs and compare them with testing programs in other places across the country.

The amendment does not authorize any new money. It simply allows States to conduct this type of analysis. The purpose of this amendment and its thrust is to focus on the issue of testing, allow States to identify testing methods and procedures that are, in fact, working. It is a specific effort to address a concern I have heard expressed over and over from students, from teachers, and from parents; that is, to have a testing system and a measurement system that provides us with the information we need but at the same time does as little as possible to interfere with the teaching process and with the learning process.

I thank my colleagues for their support and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from North Carolina has given additional focus on a very key element in this legislation; that is, the information made available to parents. His amendment will add an additional dimension in terms of the possible accuracy and types of information so it can be easily understood and utilized by parents and so they can understand what is happening in the schools their children are attending.

In the existing legislation, there is the requirement that the States will provide information to the parents. What the amendment of the Senator from North Carolina does is provide the ability for the States themselves to get, through this contracting arrangement, the up-to-date, most advanced, most recent, comprehensive information that can possibly be developed. It gives that option to the State to provide it to the parents. It is incredibly important.

This is one of the underlying concepts of the legislation; that is, that the parents become involved. We want them to be involved, and there are ample provisions in the legislation to have them involved. We want to get the parents involved. Part of a very powerful tool to get them involved is giving them information about what is happening in the school and what the condition of the school is.

We have provided in the legislation a range of different information that will be available in the report card. The Senator from North Carolina, with this additional amendment, can give the assurance that if the State wants to work through a contracting arrangement, the information may very well be much more available and usable and current for the parent. That is very important

and completely consistent with the direction of the legislation and very desirable to have.

I thank him for this idea, as well as bringing to the basic legislation the experience that has taken place in turning around low-performing schools in North Carolina, and the way it has changed through the development of some enormously interesting and very successful models that will be available in this legislation to communities all over this country is really a major strengthening of and improvement in the legislation itself. That is one of the things that makes this legislation so hopeful.

If we are able to get the resources to be able to give all these provisions some life and meaning, we are going to be in an even stronger position. As the Senator from North Carolina and others have pointed out, we have a blueprint here which is both supportable and commendable and can make a difference, but we need the resources to make sure these provisions are going to do what, in this instance, parents need and should have and also what schoolchildren should have in the provisions which have been included in the bill that are patterned after the very important, successful initiatives in North Carolina.

I thank the Senator for his initiative. I hope we will accept it.

Mr. JEFFORDS. Mr. President, I want to join in the accolades for the Senator's amendment. What we are doing in this bill is not something that is easily understood when you try to analyze the facts. But it is incredibly important that parents understand how their child is doing.

The amendment that we have here will be very helpful in letting us understand what is an incredibly important move forward in making sure that we get changes and improvements in the system, but it does it in a way that we can fully understand how each child is doing. I thank the Senator for his excellent amendment.

Mr. EDWARDS. I thank the Senator. I ask for a voice vote at this time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 462) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Voinovich amendment.

Mr. DAYTON. Mr. President, I ask unanimous consent that it be set aside.

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

AMENDMENT NO. 622, AS MODIFIED, TO AMENDMENT NO. 358

Mr. DAYTON. Mr. President, I call up amendment No. 622, and I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. CORZINE, and Mr. WELLSTONE, proposes an amendment numbered 622, as modified.

Mr. JEFFORDS. Mr. President, I may have to object. We haven't seen a copy of it yet.

Mr. KENNEDY. Parliamentary inquiry. The Senator is permitted to modify his amendment. We haven't asked for the yeas and nays.

Mr. DAYTON. I will make it a second degree.

The PRESIDING OFFICER. There was a filing deadline for first-degree amendments. That does constitute Senate action which would then require that the Senator does need consent to modify.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, we have no objection to the amendment, as modified.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 622), as modified, is as follows:

(Purpose: To amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act)

At the appropriate place, add the following:

SEC. ___. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Notwithstanding any other amendment made by this Act to section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)), subsection (j) of such Act is amended to read as follows:

''(j) FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated—

''(1) $12,347,001,000 for fiscal year 2002;

''(2) not more than $18,370,317,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2003;

''(3) not more than $19,048,787,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2004;

''(4) not more than $19,719,918,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2005;

''(5) not more than $20,393,202,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2006;

''(6) not more than $21,067,600,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2007;

''(7) not more than $21,742,019,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2008;

''(8) not more than $22,423,068,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2009;

''(9) not more than $23,095,622,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2010; and

''(10) not more than $23,751,456,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2011.''.

SEC. . MAINTAINING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 611 of the Individuals with Disabilities Education Act is amended to add the following new subsection:

''(k) CONTINUATION OF AUTHORIZATION.—For fiscal year 2012 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary for purpose of carrying out this part, other than section 619.''.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I am pleased to offer this amendment, which is also sponsored by Senators CORZINE and WELLSTONE.

This amendment would bring the Federal share of funding for special education up to its long-promised 40 percent level in 2 years.

I greatly admire the efforts of my senior colleagues, the authors of this legislation, who have negotiated the previous agreement which is now contained in the legislation. I applaud their efforts and I support their work.

However, I would like to see their timetable for funding 40 percent of the costs of special education accelerated. That is the promise I made to Minnesota educators, parents, and students.

The failure of the Federal Government to pay for 40 percent of the cost of special education is a broken promise which now extends for 25 years. This unfunded Federal mandate is having devastating consequences for schools all across Minnesota.

Federal law requires these important services to students with disabilities and special needs, but it does not provide the funds necessary for them. There is no question that school districts must provide them and should provide them. But without the necessary and long-promised funding from the Federal Government, Minnesota school districts must take money away from other students and from other education programs. In Minnesota, that means local property taxes must be increased to make up the shortfall. Yet even then there is still not enough money available to do justice to all students.

Then schools are blamed, teachers are blamed, and even students are blamed. Yet the failure is ours. The failure is our unwillingness to provide the funding necessary to allow schools to succeed, teachers to succeed, and students to succeed.

Without my amendment, we are saying: Yes, we recognize our responsibility. We intend to finally keep our

promise, but we need 6 more years to do so. That is too much procrastination.

The recently passed budget resolution said that Congress can afford huge tax cuts for the very wealthiest Americans. However, we cannot afford to keep our promises to the schoolchildren of America, especially those who have the greatest needs.

That is just plain wrong.

It is time to put our money where our mouths are. We can no longer hide behind the claim that we don't have the funds to do what is right. We have the money. The question is, Do we have the will to spend some of it on behalf of better education for all of America's children? That is the decision we must make today on this amendment.

My amendment would increase education funding by $12 billion in fiscal year 2002 and by $18 billion in fiscal year 2003. That is a lot of money, no doubt about it. But it is less than one-fifth the cost of the proposed tax cuts for 2002, and less than one-third of the tax cuts proposed for 2003. We could still have major tax reduction for middle-income working Americans, and even for upper income Americans, and still keep our promise to fund 40 percent of America's special education costs.

That is the decision before us today. That is the question which my amendment addresses.

On behalf of Minnesota's schoolchildren and educators, I urge the Senate to adopt this amendment. Its benefits will accrue to every classroom, in every school, in every school district throughout America. It will help take the President's words: ''leave no child behind'' and make them a living reality for millions of schoolchildren throughout our country.

I am reminded of the title of the old television show, ''Truth or Consequences.'' Either we tell the truth or we face the consequences. The truth is that we are not meeting our financial commitment to public education throughout America. The truth is that the Federal Government has mandated important special services to children with special needs for the last 25 years but has not provided its promised funding necessary to fulfill this pledge.

The consequences of our failures are children throughout America who are not receiving the special education they need and deserve. The consequences are lost hopes, lost dreams, and lost lives.

It is time to tell the truth. This amendment will restore the truth to a 25-year unfunded mandate.

Mr. President, I urge the Senate's passage of this amendment.

I yield back my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DAYTON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that my amendment be set aside.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I rise to speak for and offer my strong support to my colleague from Minnesota, Senator DAYTON. My understanding is I am an original cosponsor, along with Senator CORZINE. I will not take much time. There are other colleagues who are on the floor.

This amendment fully funds the IDEA program within 2 years, and the spending will be mandatory. Because of the special rules regarding mandatory spending, my understanding is this amendment will require 60 votes for it to be adopted.

To give some sense of the impact IDEA full funding will have on some school districts in Minnesota, Minneapolis will receive around $16 million; St. Paul, $15 million; Duluth will receive around $4.5 million; Blue Earth area public schools will receive around $550,000; Deer River will receive $419,000; and Walnut Grove will receive $54,000.

For those who do not know each of these towns, they probably know Minneapolis and St. Paul. I am also giving some greater Minnesota examples so no one will labor under the misunderstanding that this amendment only applies to urban or metropolitan areas. It is terribly important to rural areas as well.

We have had some other important amendments dealing with IDEA, and, in particular, there was the Harkin-Hagel amendment which passed last week. That was to fully fund IDEA and also to make it mandatory. That was to provide full funding over a 6-year period.

I commend the Senator from Iowa and the Senator from Nebraska for their work. I also want to say this about the Senator from Iowa. I do not think there is another Senator—one has to be careful when one says this because one doesn't want to slight anyone, but I do not believe there has been anybody in the Senate who has been, if you will, more there for children and adults with disabilities than Senator HARKIN. The IDEA program in some ways is TOM HARKIN's idea. This is who he is.

The amendment that was adopted is terribly important, and Senator HAGEL's support was critical as well. We also have done some other work on this education bill that is critically important.

The real importance of this amendment and what Senator DAYTON is saying and the reason this is a joint effort by both Senators from Minnesota—I worry a lot about what we are doing on this education bill. I worry about what we are doing for a couple of different reasons. I will try to make a couple quick points, I say to the Senator from Missouri and also to my friend from Arkansas.

I have not even had a chance to read this article yet today, but I was skim reading a piece where I saw—and this is really important—a reference to a letter or a statement that has been put out by Dr. Robert Coles and Dr. Albert Poussant who are two child psychologists or, in the case of Coles, a psychiatrist, and maybe Dr. Poussant is a psychiatrist as well. They have done the best work with children in the country. Robert Coles has written 46 books on children. I remember assigning one of his books to my students called ''Children in Crisis.''

I say to the Senator from Vermont, their letter is a plea to the Senate not to rush to these tests.

What they are saying is—these are now my words—you are taking the childhood away from children. They are finding 8-year-olds and 9-year-olds who are under tremendous stress and showing signs of being under tremendous stress because of all these tests they are now taking.

We have to think this through. Some of the amendments I have—and I hope to have as many of them adopted as possible, and I appreciate the support from other colleagues—are to make sure we do this the best possible way.

In my own mind, I raise the philosophical question again: Should the Federal Government be telling every school district in every State to test every child starting at age 8 all the way every year to age 13? I do not know whether we should even be doing this. Should we be doing this to these little children? I am not sure we should. That is a philosophical question, and I will now put it aside.

The second problem is whether the resources are going to be there. I want to again put my colleagues on notice, not in a confrontational way, but I want them to know there are a couple of amendments I have prepared that I look forward to offering which basically say: When we adopt these amendments that authorize money, that does not mean it will ever happen, so we have to make sure that if we are going to do this testing, not only do we do it the right way, but that the funding will be available, be it the IDEA program—

that is what is so important about Senator DAYTON's amendment—for children with special needs, be it title I for children who come from economically disadvantaged families so that there is more help for reading, more help for afterschool programs, more help for good teachers and teaching assistants, you name it—which will be another amendment which I, frankly, think is just as important, especially if we are going to start testing 8-year-olds, third graders. I will argue forever that far more important in determining how that child is going to do—maybe not at age 13, but at age 8—far more important than the teacher, although good teachers are always critically important, and far more important than reduced class size, far more important than whether the school is inviting and a good facility is whether or not that child came to kindergarten ready to learn. So the issue is, if we are going to start testing 8-year-olds, then we do that when we make the commitment to fully fund the Head Start Program, and that includes Early Head Start.

I am convinced, the more I think about this moving beyond Head Start, that we have to get to the point where, for 4-year-olds, if not 3-year-olds—and it could be optional—you need to pay teachers who do this work decent salaries. The Head Start Program is optional for families, but every family has that opportunity, and we fund it within our overall goal of public education. We really need to get real about it.

I think the context for Senator DAYTON's amendment is twofold. No. 1, for Minnesota, let me repeat these figures: Minneapolis, an additional $16 million; St. Paul, $15 million; Duluth, $4.5 million; Blue Earth Area Public School, $550,000; Deer River, $419,000; Walnut Grove, $54,000. It would be hugely important for us to make this commitment. That is why I join my colleague, Senator DAYTON, in this effort.

Final point: I really think the work that is being done for the IDEA program, that deals with children with special needs, is, as my good friend from Iowa likes to say, a constitutional mandate. We believe these children with special needs should have every right to be in school with other children and to get the best possible education.

But we are nowhere near our 40-percent funding to which we made a commitment. We are at about 14 percent. What Senator DAYTON is saying in this amendment is: Why 7 years? Why 10 years? If it is the right thing to do and we have this huge surplus now, then let's do the right thing over the next 2 years. The sooner we do it, the sooner we get the assistance to the local school districts, the sooner we get the assistance to the children, the sooner we get the assistance to our teachers, the sooner we get the assistance to our States. Therefore, if it is a great idea and a compelling idea and the right thing to do, it is the right thing to do now. Make it mandatory and fully fund it over a 2-year period of time.

I strongly support this amendment, and I hope my colleagues will vote for it.

I yield the floor.

AMENDMENT NO. 555

Mr. HUTCHINSON. I ask unanimous consent to set aside the pending business and call up amendment No. 555.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 555.

Mr. HUTCHINSON. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of May 9, 2001, under ''Amendments Submitted and Proposed.'')

AMENDMENT NO. 555, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I ask that the modifications to amendment No. 555 that are at the desk be accepted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 555), as modified, is as follows:

(Purpose: To express the sense of the Senate regarding access to secondary schools for military recruiting purposes)

At the end of title IX, add the following:

''SEC. 902. SENSE OF THE SENATE REGARDING DEPARTMENT OF EDUCATION PROGRAM TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

''(a) FINDINGS.—The Senate makes the following findings:

''(1) Service in the Armed Forces of the United States is voluntary.

''(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

''(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

''(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

''(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

''(6) A number of high schools have denied recruiters access to students or to student directory information.

''(7) In 1999, the Army was denied access to students or student directory information on 4,515 occasions, the Navy was denied access to students or student directory information on 4,364 occasions, the Marine Corps was denied access to students or student directory information on 4,884 occasions, and the Air Force was denied access to students or student directory information on 5,465 occasions.

''(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

''(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

''(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

''(11) Denying recruiters direct access to students and to student directory information undermines United States national defense by making it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national defense.

''(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

''(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Education, in consultation with the Secretary of Defense, should, not later than July 2, 2001, establish a year-long campaign to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

Mr. HUTCHINSON. Since I became chairman of the Armed Services Personnel Subcommittee last year, the subcommittee has conducted two hearings on recruiting. This has been a real eye opener to me, to listen to these front-line military recruiters about the obstacles they face in doing a very important job for the U.S. military.

At both hearings, uniformed recruiters complained that denial of access to high school students or student directory information was the No. 1 obstacle they face in their efforts to recruit high-quality men and women needed to man today's military. It is a bigger problem than the health care of the military, a bigger problem than educational benefits, a bigger problem than image. Bigger than anything else was the problem of actually getting access to the students to be able to tell their story about the career opportunities they might have serving in the U.S. military.

I was stunned to discover that more than 4,000 high schools across the Nation, which routinely allow colleges, employers, and class ring companies access to students, are denying access to recruiters from one or more of our military services.

In 1999, the last year in which accurate figures are available, the Army was denied access by 4,515 schools; the Navy was denied access by 4,364 schools; the Marine Corps was denied

access by 4,884 schools; and the Air Force was denied access by 5,465 high schools in the United States.

This, I suggest, is a national disgrace. Our Armed Forces protect America's freedoms, and uniformed recruiters should not be denied access to almost a quarter of America's young people because, many times, of the arbitrary decision of a high school principal or a high school superintendent.

Denial of access undermines our national defense by making it even more difficult to recruit high-quality young Americans in numbers sufficient to maintain the readiness of our All-Volunteer Force.

Denying recruiters direct access to students and student directory information also unfairly hurts America's youth. It prevents students from receiving important information on the educational and training benefits offered by the Armed Forces and impairs students' decisionmaking by hiding the career opportunities available to them.

When I became aware, that our recruiters whom we ask to do one of the most difficult jobs in the military, to go out and recruit young men and women to go into our military at pay that is disparate from what they could get in the private sector, in an almost full-employment economy, we were asking them to do that with one hand tied behind their backs because they weren't given access to almost one-quarter of the students, I offered a provision in last year's defense authorization bill which would, effective July 1, 2001, require high schools to provide recruiters for the armed services both physical and directory access equal to that provided to colleges and prospective employers.

If the high school wants to have an across-the-board policy of no access to their students—no employers, no colleges—then certainly they could apply that to military recruiters. But if they are going to say class ring companies can come on, colleges and institutions of higher learning can come on to the campus and recruit, industries can come on and recruit for careers, then we said that military recruiters should have access on the same basis.

If such access is not granted, a recruiter must report the denial to his or her respective service. This report will trigger, then, a series of visits and written notifications by the Department of Defense personnel culminating in the Secretary of Defense contacting the relevant Governor and asking for help in restoring access to the offending high school.

Any school district in America would have the opportunity to opt out of the law if the local school board voted publicly to discriminate against recruiters from the Armed Forces. But no more simply shall a superintendent or a principal making a determination on their own for whatever reason, because of a bad experience or whatever they might have had, that might motivate them to prevent these recruiters from access. It would have to go to a public vote of the elected representatives, elected school board, before they could opt out of the law. Any high school that continued to discriminate against recruiters from the Armed Forces without the support of such a vote would open itself to lawsuits in Federal court.

We are rapidly approaching July 1, 2001, which will mark 1 year until the new law becomes effective. We have already heard from many recruiters that they are finding that high schools are not aware of the public law that changed Federal policy and the fact it is going to go into effect in just a little over a year. So as thousands of high schools, yet ignorant of the pending change in the law, continue to discriminate against uniformed recruiters, I think now is the time for a national wake-up call concerning this denial of access that continues to this day.

My amendment states that:

It is the sense of the Senate that the Secretary of Education, in consultation with the Secretary of Defense, should. . .establish a year-long campaign to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces and the access standard [that is required under this new law].

I think it is very important that recruiters as they go across this country have the support of the Congress in the sense that these principals, these superintendents, and school administrators are aware that we have changed the public policy. There will be a new law in effect.

There will be a new law in effect, and the only way they can deny that access is when they go before the elected school board members and have a public vote to that effect.

I hope my colleagues will unanimously support a very commonsense and patriotic amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 374, WITHDRAWN

Mrs. CARNAHAN. Mr. President, I call for the regular order on amendment No. 274, and I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

Without objection, it is so ordered.

AMENDMENT NO. 448, AS MODIFIED

Mrs. CARNAHAN. Mr. President, I call up amendment No. 448, and I ask unanimous consent to send a modification to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN] proposes an amendment numbered 448, as modified.

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

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

The amendment is as follows:

(Purpose: To improve the quality of education in our Nation's classrooms)

On page 319, line 4, insert '', including teaching specialists in core academic subjects'' after ''principals''.

On page 326, line 1, insert '', including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers'' after ''performance''.

On page 327, line 2, insert ''as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership'' after ''qualified''.

On page 517, line 18, strike ''and''.

On page 517, line 20, strike the period and insert ''; and''.

On page 517, between lines 20 and 21, insert the following:

''(I) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

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

On page 528, line 14, strike the period and insert ''; and''.

On page 528, between lines 14 and 15, insert the following:

''(16) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

On page 539, line 10, strike ''and''.

On page 539, between lines 10 and 11, insert the following:

''(E) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention; and''.

Mrs. CARNAHAN. Mr. President, the quality classrooms amendment provides flexibility for our schools. I am delighted that the Senate has recognized the need to provide our schools with more choices, not more mandates. The amendment allows for the hiring of teaching specialists, the development of alternative educational programs, and year-round school schedules. It will recognize, reward, and encourage promising reform efforts.

I thank the managers for their assistance with the quality classrooms amendment. I greatly appreciate the suggestions that Senator JEFFORDS and his staff have offered. I am also grateful to Senator KENNEDY and his staff for their assistance and for their hard work throughout the education debate. I am proud to be a part of this debate.

I am confident that our efforts in behalf of public education will bring greater opportunity to our Nation's children.

I understand that the managers have agreed to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 448), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the Hutchinson amendment No. 555.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so that I might call up an amendment.

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

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 564 TO AMENDMENT NO. 358

(Purpose: To encourage States to require each expelled or suspended student to perform community service for the period of the expulsion or suspension)

Mr. BYRD. Mr. President, I call up amendment No. 564.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 564 to amendment No. 358.

(The text of the amendment is printed in the RECORD of May 9, 2001 under ''Amendments Submitted and Proposed.'')

AMENDMENT NO. 564, AS MODIFIED

Mr. BYRD. Mr. President, I send to the desk a modification to the amendment. Do I need to ask unanimous consent?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I do that.

The PRESIDING OFFICER. Is there objection?

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

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be waived.

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

The amendment (No. 564), as modified, is as follows:

On page 571, strike line 13, and insert the following:

ance with this section.

''Subpart 4—State Grants To Encourage Community Service by Expelled and Suspended Students

''SEC. 4141. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts authorized to be appropriated under section 4004, there are authorized to be appropriated $50,000,000 for fiscal year 2002 for State grants to encourage States to carry out programs under which students expelled or suspended from schools in the States are required to perform community service.

''SEC. 4142. ALLOTMENTS.

''(a) IN GENERAL.—From the amount made available under section 4141, the Secretary shall allocate among the States—

''(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(b) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

''(c) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (a).

''(d) DEFINITION.—In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

Mr. BYRD. Mr. President, many young people in our schools today are suspended for bad behavior, somewhat unlike the days when I was in high school. They took care of the bad ones right there on the spot when I was there. But today a lot of them are suspended. A number of children in our schools are expelled for violent or dangerous behavior. And I am all for that. I am all for suspensions and expulsions where warranted, but what then? In today's home, all to often, both parents work. The suspended or expelled student may be left to his or her own devices. Many counties send expelled students to alternative schools, but alternative schools do not always follow the same procedure, the same schedule as regular public schools, again leaving children on their own for portions of the school day. And an idle mind is the devil's workshop.

An idle young person with no supervision is a child who can easily get into trouble. A violent young person expelled for serious breaches of behavior could even be a menace to the community at large. Some children actually misbehave in school, I am told, in the hopes of being suspended or expelled with the notion that they will be able to enjoy a brief respite from their school classes.

The amendment which I have offered and which has now been modified would encourage States to create a program that enrolls suspended and expelled youth in community service programs. You see, put them to work at something that encourages them to become builders, not wreckers, of buildings. The purpose of this amendment then is twofold.

First, it would occupy young people who have been suspended or expelled. It would put those idle hands to work. Instead of hanging around on street corners or roaming around the shopping malls, these youths would participate in community service activities that give them structure, that promote a work ethic, and send the message that being suspended from school is not a vacation.

Second, this program would give back to the community. Too often the young people of the ''me'' generation—the ''me'' generation—do not consider that we are a society, and that each member of that society has a responsibility to the other people in that society. By performing community service, these young people would be making a contribution to their neighbors which would give them a sense of doing for others, perhaps even opening their eyes to the problems of those around them.

My amendment would provide $50 million to allow States to coordinate and run a program which puts suspended and expelled students to work. Whether it is picking up litter, whacking weeds, painting fences, or mowing the grass, participating in public service activities will provide these young people with an alternative activity that helps to better their communities, and to better their lives.

Wordsworth wrote, ''Small service is true service while it lasts.'' I urge my colleagues to support my amendment which authorizes this amount of money and helps to point troubled students toward true service to their communities, their country, and help them to become good, productive citizens.

I yield the floor.

Mr. President, if I may be recognized again.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent that the distinguished Senator from Nevada, the Democratic whip, be made a cosponsor of the amendment.

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

Mr. BYRD. I am very happy to have a voice vote if Senators are so inclined.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as I understand it, we are ready to vote on the Byrd amendment.

The PRESIDING OFFICER. That is correct.

Mr. JEFFORDS. I ask for the vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 564, as modified.

The amendment (No. 564), as modified, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont who is the majority manager of the bill. He is very gracious to accept the amendment. I also thank Mr. KENNEDY who likewise was supportive of the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Arizona.

AMENDMENT NO. 477 TO AMENDMENT NO. 358

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending

amendment be laid aside to call up amendment No. 477, which was previously filed. I send it to the desk and ask for its immediate consideration.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 477 to amendment No. 358.

(Purpose: To express the sense of the Senate that S. 27, the Bipartisan Campaign Reform Act of 2001, as passed by the Senate on April 2d should be engrossed and transmitted to the House of Representatives without further delay)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TRANSMITTAL OF S. 27 TO HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—The Senate finds that—

(1) on April 2, 2001, the Senate of the United States passed S. 27, the Bipartisan Campaign Reform Act of 2001, by a vote of 59 to 41;

(2) it has been over 30 days since the Senate moved to third reading and final passage of S. 27;

(3) it was then in order for the bill to be engrossed and officially delivered to the House of Representatives of the United States;

(4) the precedents and traditions of the Senate dictate that bills passed by the Senate are routinely sent in a timely manner to the House of Representatives;

(5) the will of the majority of the Senate, having voted in favor of campaign finance reform is being unduly thwarted;

(6) the American people are taught that when a bill passes one body of Congress, it is routinely sent to the other body for consideration; and

(7) the delay in sending S. 27 to the House of Representatives appears to be an arbitrary action taken to deliberately thwart the will of the majority of the Senate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Senate should properly engross and deliver S. 27 to the House of Representatives without any intervening delay.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is very simple. It instructs the Secretary of the Senate to properly engross and deliver S. 27, the campaign finance legislation that was passed 43 days ago by this Senate, to the House of Representatives without any intervening delay.

I am sure that few people in this body knew that the bill they voted for—or against, for that matter—was never sent to the other body. Why is this so? Unfortunately, I don't have an answer. I do know that it is not what we teach our children.

We give out a book here, a very interesting book, one that schoolchildren all over America, I hope, know. Some do, but I wish all of them did. In that book, on page 41, it says: When a bill originates in the Senate, this process is reversed.

When the Senate passes a bill that originated in the Senate, it is sent to the House for consideration.

There is another booklet, ''Our American Government,'' the 2000 edition. ''What are the stages of a bill in Congress?'' It goes through the various stages:

(6) Passage by the House after votes to confirm the amendments that were adopted in Committee of the Whole; (7) Transmittal to the Senate, by message; (8) Consideration and passage by the Senate—usually after referral to and reporting from a Senate committee—and after a debate and amendment on the Senate floor; (9) Transmission from the Senate back to the House, with or without Senate amendments to the bill.

Those are documents that indicate it is the normal procedure. I note that this is not business as usual. In fact, arbitrarily holding this bill in the Senate after being passed is not the usual practice. I will read from a chart prepared by my staff which shows that the normal expected practice is to send legislation to the other body in a much more timely fashion.

Thirteen bills originating in the Senate have passed the Senate during the 107th Congress. Of those bills, 11 were sent in an average of 5.18 days. The two remaining bills, S. 27, the Bipartisan Campaign Reform Act of 2001, and S. 143, Competitive Market Supervision Act of 2001, were passed on April 5, 2001, and March 22, 2001, respectively. Neither has been referred to the House of Representatives.

The holding of this bill is arbitrary and unfair. A sound majority of Senators has passed the campaign finance reform bill. This is not only bad for the Senate but bad for this great country.

The minority in this body has a great deal of rights. But the Senate also recognizes in its rule that once a majority reaches a certain threshold, it can prevail and move forward. What we are seeing here is a minority of one stopping the will of this body.

As I said, there is no good rationale for this action. The staff of this body, including the Secretary of the Senate, serve the entire Senate. I repeat: The Secretary of the Senate serves the entire Senate, not just one Senator. They are not tools of one individual. They serve all 100 duly elected Senators. These good people should be allowed to perform their duties with due process.

This amendment should not require much discussion or debate. It should be adopted and the Secretary of the Senate should immediately take the actions the resolutions direct. That is what is right, and that is what is fair.

I urge my colleagues, those who support campaign finance reform and those who do not, to join me in seeing that the will of the majority and basic fairness prevail.

I want to talk for a second about this practice being allowed to continue. I speak, I hope, for Members on both sides of the aisle. If the majority prevails in the Senate on a piece of legislation and that legislation is not sent over to the other body, then this could lead to a very, very, very unsound and unfair process that could deprive the majority of the Senate of their rights. A bill passed in the other body is sent over here for our consideration and placed on the calendar. Then it is up to the majority leader and/or the minority leader, depending on who has the votes, as to whether to consider that legislation.

The same thing is true of legislation that originates in the Senate. As I say, I could go back many years. It is roughly an average of 4 days between the passage of legislation through this body and its transmittal to the other body. We have now gone 43 days, and the majority leader of the Senate has stated publicly that he has no intention at any time of sending the legislation to the other body for their consideration.

One can speculate—and I will not—on the reasons why this legislation is not being transmitted to the other body as is our custom. I say to my colleagues in all seriousness, if this practice is condoned, watch out if you prevail and it is against the majority leader's wishes for that bill to be sent over to the other body. By not sending this and every piece of legislation passed by the Senate over to the other body, we may be beginning a very dangerous precedent.

I am very aware that this amendment is not relevant to the education bill, although obviously, as I mentioned, we educate our children in ways that we may have to at least amend in this book. I hope we don't have to. But I want to assure my colleagues, as soon as this bill is transmitted to the other body, I will be the first to stand up and ask unanimous consent to withdraw this from the legislation because I don't want to encumber the education bill with this issue. But when I see, after the long, hard struggle that I have been through, along now with a majority of the Senate, to achieve a legislative result and see that legislative result stymied at least temporarily in a procedural fashion, as far as I can see an unprecedented fashion, then I have to seek whatever vehicle I can to express what I hope is the majority will of the Senate.

I hope we can get this issue behind us. I strongly believe it has more importance than even the campaign finance reform bill itself, if this practice is allowed to become a precedent, what is being done with this legislation.

I might add, it was about 3 weeks ago that by accident I found out that it was not going to be sent over to the other body. I was not even notified that this legislation was not going to be sent over.

Once we did discover it, then I went to the majority leader. I asked on numerous occasions if he would send this bill over. The majority leader, yesterday morning, stated that under no circumstances would he do so.

I have no alternative than to move to get the sense of the Senate on this issue and then, if that doesn't succeed, then we will have to obviously use what other parliamentary options we have.

After a long and fair and, in many ways, illuminating and elevating debate on this issue and having a result achieved, and then to have it not even sent over to the other body, is a great disservice. I hope it will be rectified as soon as possible.

I ask for the yeas and nays at a time determined by the leaders.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am happy to join with the Senator from Arizona in offering this amendment. Actually, that is not true. I am not really happy we are offering the amendment; I am disappointed and puzzled. Because this amendment should be totally unnecessary. It is unnecessary because by instructing the enrolling clerk not to transmit S. 27 to the House, the majority leader is frustrating the will of the Senate and of the American people for no apparent reason.

I was pleased with the debate we had on campaign finance reform back in late March. Not only because we finally were able to have a real debate, vote on amendments, and ultimately pass a good bill, but also because I thought the Senate acquitted itself extremely well under difficult circumstances. Both sides played fair in that debate. The majority leader kept his word not to filibuster the bill.

The opponents fought hard but did not drag out the proceedings unnecessarily. I think we kept our word as well, even though there were amendments added that we did not necessarily approve of or like a great deal. We did not offer a cleanup amendment before the end of the debate to wipe out all the work of other Members of the Senate; we let the chips fall as the Senate wished. The result was a bill of which the Senate and the public could be proud.

As we know, the bill passed the Senate by a vote of 59–41 on April 2, 2001. There was a technical amendment right before final passage, and it could normally be expected with such a complex piece of legislation that it might take a few days for the bill to be engrossed and officially delivered to the House. That is the way the legislative process legitimately works. The House passes a bill, and it goes to the Senate; the Senate passes a bill, and it goes to the House. But it has been a month and a half.

The McCain-Feingold bill passed by the Senate still has not been sent over to the House. There is not a question at all that it is ready to go, but apparently an instruction was received by the enrolling clerk not to follow the standard procedure when the Senate passes a bill. That instruction clearly originated with the majority leader of this body.

This is actually an embarrassment to the Senate. I think it would also be an embarrassment to the majority leader. I thought we were beyond petty game playing in this body. These kinds of tactics discredit the institution, and they also completely undercut the good feeling many of us gained during that extraordinary 2 weeks of open debate. As a result, this action by the majority leader could be indicative of the lengths to which the opponents of reform will go to stop the bill even when they have lost in the Senate fair and square. Will they stop at nothing? Is there no legislative or parliamentary tactic too obscure to be invoked in the name of stopping reform, to be invoked in the name of protecting this big money system?

In the end, we will enact a reform bill for the American people in this Congress, and the President will sign it, no matter how the opponents complain or what tricks they try to stop it. I agree with the Senator from Arizona that we need to resolve this. The regular business needs to go forward, but that has to happen after this message is sent clearly by the Senate that it is long overdue for this bill to be sent over to the House.

I yield the floor.

Mr. KENNEDY. Mr. President, my good friend from Arizona and the Senator from Wisconsin have pointed out the focus on this legislation, and Senator MCCAIN indicated that once the papers go over to the House, they will ask to withdraw this amendment.

I must say, on a broader issue, I congratulate the Senators from Arizona and Wisconsin for bringing this to light on the Senate floor. I think all of us are very mindful in this institution that this is where these issues ought to be debated and discussed and also examined. When we do have that opportunity, as we saw during the debate on campaign financing—the fact that there are a lot of discussions in the back rooms and in the corridors and behind closed doors—when they finally get it into the openness of the floor of the Senate, you get a different reaction.

I daresay we will have a very encouraging reaction when we vote on this measure this afternoon, and we should have. I think it is very regrettable that we have the use of the Senate rules to deny a clear process in this legislative undertaking, where this legislation had passed and still there has not been the passing of the papers. We have seen other actions such as that in denying this body the opportunity to address key issues even currently. For example, on the increase in the minimum wage, we were denied the opportunity of getting a fair vote. Even though a majority of this body is committed to a Patients' Bill of Rights, we have seen this.

On this measure, which is of such importance to our good leaders here, Senator MCCAIN and Senator FEINGOLD, they deserve credit and support. I join in congratulating them.

Mr. MCCAIN. Mr. President, I ask the distinguished Senator from Massachusetts, have we determined a time yet as to when this vote will take place?

Mr. KENNEDY. I do not. As far as the floor managers are concerned, the earlier the better. I don't know about what the timing is on the other side. The leader on our side is familiar with it, and I hope we will do it at an early time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 884 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, we are awaiting Senators who desire to offer their amendments. I believe Senator BOXER will be here shortly, and also Senator HARKIN, perhaps just after that, depending on the desire of the other side.

While I have a moment and prior to the time they come, I want to review where we are on a very important aspect of this debate, and that is the funding for this legislation.

As I mentioned on a number of occasions, and I am going to continue to mention it, we cannot expect to educate our children on a tin cup budget. It cannot be done on the cheap. Money is not the answer to everything, but it is a very clear indication of a nation's priorities.

In this legislation, we are looking for investments in America's future. When we are talking about America's future, we are talking about America's children. We believe we have an effective blueprint that can make an important difference in the quality of education for children in this country.

As I have said on a number of occasions, it is not going to be this legislation in and of itself. It is going to be the cumulative efforts of parents, teachers, communities, principals, school administrators, and school boards all working together. It is also going to be the support we provide in the early learning programs that will

reach children of the 0-to-3 age. It is important we invest in these efforts. It is a biological fact that development of a child's brain reaches its maximum at the age of 5. All the development takes place prior to that time. It is enormously important the child have, up to that time, as many positive influences as possible.

We are going to battle the issues of funding for early intervention of children—the Early Start Program—the Head Start Program, which are only funded at about 40 percent, and the child care programs as well. We have had a good debate on funding IDEA, and we had a very powerful bipartisan vote in the Senate that put us clearly on record that we want to meet our responsibilities to the families and local communities by funding 40 percent of the education of the children.

I want to review where we are on the question of funding this legislation and what we understand will be the administration's position on funding the Elementary and Secondary Education Act. This includes not only title I but professional development programs, technology programs, the Safe and Drug Free Schools Act, afterschool programs, and related programs that are part of the whole Elementary and Secondary Education Act.

I pointed out at the time we had the last debate in the Senate last week what was going to be in the budget for this country, what was going to be available for funding. We have seen now that the Republican leadership, with the support of the administration, has effectively sucked up all of the available resources that can be used for education with the $1.25 trillion tax reduction.

As a result of that, as a result of the document that we had, when it came back from the conference, there was virtually no guarantee or assurance for funding for the years 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010. In fact, a careful reading of that legislation would mean there would actually be a reduction in the funding from current services during that period of time. That is a matter of enormous concern—and it should be—to the families of this country.

I expect the families in this Nation would say if we are going to have a tax cut, you ought to be able to get—as a matter of fact, I am stating what about 75 percent of the American families say. They say: If we are going to have a tax cut we are going to have a tax cut, but first let's fund education, investing in the children of this country.

What we have seen under the administration's program is they have reached a different conclusion. Under that proposal, as I pointed out when we had that debate, the measure was very clear and precise in the instructions to the Finance Committee about what they ought to come back with, within what period of time. Even though we passed that bill last week, as I understand it, we may very well be considering the budget tomorrow. Can you imagine that? We passed it last week. It will be out of the Finance Committee and we may be considering it tomorrow. We can see what happens when the majority, in this case the Republican majority, and in this case the President, want to get something done. They can get it done virtually overnight; over $1 trillion that will go into effect in terms of tax reductions for wealthy individuals. They can get it done overnight.

But what was included in this proposal? Over the period of the life of this legislation, the 10-years, up to $6 billion may be used for education. I think everybody understands there were very precise instructions on tax reduction, very precise instructions on defense, very precise instructions on agriculture, and virtually no instructions with regard to education. That is the fact. That is indisputable. Now we are going to see what the result of that will be.

I think it is instructive to look at what this increase would mean in terms of past years: proposed ESEA budget increases, Clinton versus Bush administration.

We heard the President wants this to be the first priority. As I say, if we compare apples to apples, oranges to oranges, grapefruits to grapefruits, Clinton to Bush, over recent years, in terms of elementary and secondary education budget increases, this chart indicates from 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and what the Clinton average was over that period.

The Clinton average over that period from 1994 to this last year was 8.67 percent. Under President Bush, it is 3.6 percent. There it is, the Clinton average—2001, 22 percent; 2000, 4.7 percent; 15.7 percent in 1999; 6.8 percent in 1998; 9.4 percent in 1997; 6.4 percent in 1996; 19 percent in 1995; 4.5 percent in 1994. Average: 8.67.

There is the 3.6 percent. We want to point out that is without the changes and without the reforms. We have done a lot of giving and taking. There has been chiding on both sides about whether the administration, the President, gave up too much, whether others gave up too much. That is what compromise is all about. This is not the bill I would have written and this is not the bill President Bush would have written, but it represents a legitimate compromise and I am satisfied. I believe the great majority of our Members are satisfied. If this bill had full funding, we would have virtually every vote on our side. We may not, if it is not funded, and that is what we are saying.

If we are talking about the future of this country and talking about the importance of investing in children, and we have seen the changes which have been brought back as a matter of additional accountability and how this legislation has been put together, the consolidations of various programming, holding schools accountable, holding the children accountable as well, the changes that have been made in holding schoolteachers accountable and strengthening the assurance we have well-qualified teachers, that we have a professional mentoring program, professional development over the years, none of that was out there. We had some accountability in the previous bill. We had some reconstitution, actually, of schools under the last elementary and secondary education bill.

But this goes further and is more comprehensive as a package, bringing together the funding of IDEA, bringing together the additional resources for professional development and the way they are structured, bringing together the outreach for good quality teachers, bringing together consolidation of the technology component, and with a strong emphasis that we are going to get curriculum reform, well-trained teachers, and a more thoughtful process in examining children to find out what they don't know. We do that so we can provide the supplementary services, reaching out to the communities in a much wider way than we have before to use the resources within the communities to help and assist children who might need that extra help with supplementary services in a very expansive way that we had not done before—and to recognize we are only reaching a third of the children.

How are we going to achieve what this legislation effectively states, and that is that we will bring every needy child in this country up to proficiency within 10 years, if we are only reaching a third of them now? It is going to be difficult enough—if we were reaching all of them—to try to help with the additional resources in bilingual education, for example. The number of children who need those services has virtually doubled in our school-age population.

As I mentioned on other occasions, but it bears repeating, the challenges that schools are dealing with are much more complex today. We have many more families divided so children are growing up in divided homes. We see what has happened in terms of violence in many of the homes, in inner cities as well as in rural communities, the problems with substance abuse and physical abuse. All that has taken place. Plus, we have seen an increasing number of children who are homeless—more than 800,000 homeless children, 800,000 migrant children, sweeping from California all the way to Washington in the west and from Florida to the State of Maine in the east. We have about 1.5 million children.

Then we have about 700,000 immigrant children who are going to be citizens of the United States who need help and assistance as they move along. They are going to be American citizens. They are on the way to being American citizens. We want to invest in those children.

These are the kinds of challenges we were not facing 20 years ago, for the

most part. So we have a more complex situation at the grassroots level. We have parents, teachers, and schools attempting to cope with this under extraordinary circumstances. They need help, they want help, and they are counting on us to help.

The way that we can do that is to make sure with this legislation and with the accountability that we are going to invest in children who need the help. That is for what we are fighting.

When you look at this chart, the comparison with what this administration is requesting, 3.6 percent this year versus the 8.6 percent average over the previous 8 years and understand that of that 3.6 percent, money is taken from other pots—that is not new money. Half of that is in job training. Two-hundred million dollars of that is from the National Science Foundation. Another couple hundred million dollars is from the EPA.

Look at this: $54.1 million from job training; $20 million from the early learning opportunities—that is the program that reaches the children in the 0-to-3 programs; pediatric graduate medical education to try to assure that we are going to have the best in terms of pediatric training for children. They have taken $30 million out of that; clean water State fund, $497 million. That is a vital resource in terms of many of the States, including my State of Massachusetts where you have so many of the communities under court order to clean up their water systems in what which are basically blue-collar, working-class communities.

They have high taxes as it is. They don't have the resources to be able to draw on a State fund. To help them is absolutely essential. We are cutting that program.

As to the renewable energy programs, we have the great debate and discussion about these energy programs. The administration takes out $156 million; NASA and National Science Foundation, $200 million; FEMA disaster relief, $270 million; and community policing, one of the most successful programs, they cut.

What we see is a difficult situation over the period of the next 5 years out I fear for the outyears, the fifth year to the tenth year, because we know what is going to be in this tax package which is going to be heavily weighted, or backloaded. That is the word which is used. As we all understand around here, the reason it is backloaded is because it conceals its purpose.

Make no mistake about it; if it was frontloaded, there would be a clear indication of the amounts we could evaluate for the first 5 years; that is, the Joint Tax Program, the Congressional Budget Office, and the OMB estimates the first 5 years—not the back 5 years.

As a result, we find the backloaded tax bill. That is going to mean that education resources will remain scarce—not just for the next decade covered by the budget resolution but for the next decade as well when the enrollments are expected to expand dramatically.

I think this is a clear indication if you look at the broader issue. You say, OK, that is ESEA, but maybe much more will be done in the other areas of education; that is, in the Pell grants or other kinds of help and assistance in higher education, such as the Department of Education, or maybe we are looking at research to find out what really works out there so we can help.

But we have the same story. This administration fails in the education budget in investments in education. If we look on the chart, the total increase for the title I program was $669 million, 3.5 percent, even though if you look through the book that has the budget figures, that is effectively where it comes out. There was a great hoopla about how it was going to be 11.9 percent. It is $669 million, and the appropriation for the year 2001 was $3.6 billion.

If you look at the total Department of Education, 6.5 percent appropriations last year; the total for the Department of Education is $2.5 billion.

This is not only elementary and secondary education, but it is in the higher education as well.

I know many of our colleagues have the opportunity to go back as I do and talk with people in our States. If I go back to Massachusetts and have a town meeting, I ask people in that hall, say you have $1 that represents the Federal budget. Let's think through about how that ought to be spent. You ask people for a show of hands. They want national security. They want defense. They understand the importance of national security. They want to make sure whatever is necessary is there, and that is something certainly that we ought to support.

While we are talking about national security, is there anyone in this body who doubts that within the next 3 or 4 weeks after we pass their tax cut on tomorrow, or the next few days, that within a 4-week period we will have the requests from the Department of Defense as a result of Secretary Rumsfeld's total Bottom-Up Review, and the best estimate is anywhere from $100 billion to $200 billion over the next 5 years. That is going to be on track. We are not hearing about it now. We are not talking about it. But does anybody really doubt that? Does anybody in the defense community really question that? Not that I have heard. We are just not going to be able to do this.

As I say, if you are in that room and asking people what they think, they say: Oh, yes. We need Social Security and we need to have Medicare. They understand that. Maybe some will say we will start talking about it.

What about education? What about prescription drugs? Where do they fit? Some will mention that we have to pay an interest on the debt. Then you ask them: What do you think we are spending on education? First of all, what do you think we should spend? After they begin to understand that it is maybe 5 cents in terms of the defense and maybe a little less than that on the interest on the debt, you get probably 2.4 or 2.5 in terms of the Medicare programs. You include Medicaid in there, and you have Social Security. That is figured in the budget. They see that going up.

But at the end of the day when you start talking about education, 80 percent of Senators will say that we ought to at the minimum spend 10 cents or 8 cents out of that dollar on education. Ninety percent will say certainly 5. Would you believe that it is less than 2? And under this administration, it will be less than 1 cent. Does that reflect the American families' priorities in terms of education?

We understand it is a local responsibility and a State responsibility, and the Federal participation has been focused primarily on the higher education. But I think most families would say we want a partnership with local, State, and Federal. We want a partnership because we recognize that we need the resources.

In many different communities where they have the greatest kind of pressure, particularly in the poorest of the poor, they do not have the resources to be able to sort of deal with this.

We made a decision in the early 1960s that we were going to reach out to try to provide resources and recognize as a matter of national commitment that we were going to deal with the neediest students in this country.

That is what this title I program is really all about. It provides resources for those communities—not a great deal of resources. We have had some successes and failures. But we are in a new day and period.

But the idea that we are providing a penny out of that dollar in terms of education, which is really another word for talking about our future—children are our future. Investing in our children is investing in our future. Is there anyone who doubts that if you have an eighth grade class and the children don't learn algebra that those children are not going to college? It is simple, plain, finished, conversation ended. You have to make sure you have people in there who are going to be able to teach them. That is going to take upgrading.

We don't expect to solve all the problems, but we have made a commitment at least in this bill that the teachers who are going to teach the children—better than 50 percent of the title I children who are going to be educated within 4 years—will be well qualified. We have made our commitment. We have to have the resources to be able to do it.

So this is about our future. This is about our priority. It is about the key element in terms of a nation and our fundamental values. Are they going to be in terms of the future, which is our

children, or are we going to be presented with a future tax reduction for the wealthy individuals in this country? I think that is how it is going to be.

Let me make it clear that I have every intention of offering amendments to let the American people understand how this body wants to vote in terms of a reduction in the top rates for the wealthiest individuals, or fund education.

This body will have a chance to make a judgment decision on that. Are we going to go from the 39.6 down to 36, and then further reductions in many other areas or are we going to fund our children's education in the future? What is in the national interest? What is in the interest of these children? Do we want this Nation to invest in our children or do we want to find out that we are going to provide additional benefits to people who have done very well in the last few years?

What we have seen in the most recent times has been this extraordinary kind of dichotomy where the wealthier have grown so much wealthier and the poor have grown so much poorer. I remember those charts. I do not have them here. But if you look at what has happened in terms of American income, broken into fifths, from the time of the war to 1972, you will find each group went up; they grew together. Virtually all of them grew together. Not now. You now find the bottom fifth is going down—yes, going down. The second fifth is going down just a little bit. And the top fifth has gone up through the ceiling. We have these enormous disparities. By failing to invest in the children, that is going to continue, as sure as we are standing here.

So we will have the chance to come back and visit this as soon as the Finance Committee reports out its bill. We will welcome the opportunity to have the Members of this body vote on these measures.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent that at 5:30 tonight the Senate proceed to vote in relation to the McCain amendment No. 477. I further ask unanimous consent that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 525 TO AMENDMENT NO. 358

(Purpose: To provide grants for the renovation of schools)

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I call up amendment No. 525.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KERRY, Mr. LEVIN, Mr. REID, Mr. BIDEN, Mr. CORZINE, and Mr. JOHNSON, proposes an amendment numbered 525 to amendment No. 358.

Mr. HARKIN. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in the RECORD of May 9, 2001, under ''Amendments Submitted and Proposed.'')

Mr. HARKIN. Mr. President, I know there is a unanimous consent agreement pending for a vote to occur at 5:30, so my statement on the amendment will be interrupted at 5:30—if I go on that long—for the vote at that time.

Mr. President, our children deserve the best when it comes to education—all children; not just a few but all. It is not right that some kids get the best in schooling and the best of teachers and the best of school buildings and other kids are put into rundown, dilapidated, old buildings that are not even safe as far as fire and safety codes go.

Children deserve modern school buildings with access to technology. They deserve small classes so they can get the teacher's attention when they need extra help. It is not just our kids who deserve this, it is the future of our country that deserves this, cries out for it, demands it.

As the old saying goes, a picture is worth a thousand words. This is a picture of a modern elementary school classroom. This is Cleveland Elementary in Elkhart, IN. If I am not mistaken, there are 17 or 18 kids in this well-lit, well-appointed, roomy classroom. That is what a modern school ought to look like. That is sort of what we think about as an elementary school in all of our minds. This is what we conjure up. We conjure up a nice, well-ordered classroom with a class small enough for the teacher to pay attention.

Or how about this? This is South Lawrence East School in Lawrence, MA. There are 12, maybe 13 kids here. This is the library and media center. Now how about that as the kind of an ideal library and media center for all of our elementary schools around the country?

I ask any parent: Wouldn't you like to have your child go to this school? Wouldn't that be wonderful, to think that your kid was in a school like this every day with the latest technology, all hooked up to the Internet? That would be nice.

I am afraid most schools look like this. That is not bad. That is not a dilapidated school. The average school building in the United States is 42 years old. This is where most of our kids go to elementary schools. They are over 50 years old. They have air-conditioners sticking out of the windows. This was added later because the schools were not air-conditioned in those days. Many of them have roofs that leak and are kind of rundown schools.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is the public school. What kind of a signal are we sending them about the value we place on them and their education and their future? How can we prepare kids for the 21st century in schools that don't even make the grade in the 20th century?

The American Society of Civil Engineers recently issued a report card for America's infrastructure. This is their report card. As we can see, the condition of our national infrastructure is poor. All of them are poor: energy, waterways, solid waste, wastewater, drinking water, airports, bridges, roads—all in pretty bad shape. This is the second time they put out this report. The lowest grade of all goes, once again to public schools.

Seventy-five percent of our Nation's school buildings are inadequate. The average cost of capital investments needed to upgrade and replace our schools is $3,800 per student. Since 1998, the total need has increased from $112 billion to $127 billion. That is just to bring the existing public schools, elementary and secondary schools we have in America, up to fire and safety code and to upgrade them in terms of the latest technology.

It does not refer to the amount of money we are going to need to build the new school buildings. That is going to require a lot more money in the future. Right now we have an all-time high of $53.2 million. This will grow. Over the next 10 years, it is going to be necessary to build an additional 6,000 schools. That number is not even reflected here. This $127 billion is needed now to repair and modernize existing schools.

I have been advocating this for about a decade now, starting back in 1991, that the Federal Government begin to meet some of its responsibilities. All one has to do is read Jonathan Kozol's book ''Savage Inequalities'' to understand why it is necessary for the Federal Government to be involved.

A little history may be in order. I always ask the question: Where does it say in the Constitution of the United

States that our public school system in America has to be based on property taxes? You will look in vain, and you won't find it anywhere in the Constitution. Why is that the basis of funding for our public schools?

The reason is, in the early days of the founding of our Republic, it was decided we would have free public education for everyone. At that time it was free public education for white males, but with the adoption of the Bill of Rights and with the ensuing concept that we are all one Nation, we broadened that to women and minorities and everyone else.

Really, we have ingrained this idea of free public education for all. But at that time we didn't have income taxes. We didn't have corporate taxes. We didn't have all these kinds of taxes. All we had were property taxes and excise taxes. So to fund the public schools, the only tax base they had to go to was the property taxes people paid. Thus the whole system sort of built up over the centuries that way.

It literally was not until 1865, under Republican President Abraham Lincoln, that the Federal Government got involved in public education. That was with the passage of the Morell Act that set up the land grant colleges of the United States. That was the first time the Federal Government really got involved at all in public education.

Then for about 100 years, the Federal Government was involved only on that level, through land grant colleges, through some research, and with the adoption of the GI bill after World War II, mostly focused at higher education from the Federal Government standpoint.

Then, with the passage of the Elementary and Secondary Education Act of 1965, the progeny of which we are now debating, the Federal Government got involved with trying to equalize a little bit the great disparities in education to meet the needs of lower income students, special needs students, and to help the States and local governments meet their constitutional requirement that if they did indeed provide a free public education, they couldn't discriminate.

Again, no State in this Union has to provide a free public education to the kids in the State. But if they do, if a State decides to provide a free public education, then the Constitution kicks in and says: You can't have a free public education for whites but not for African Americans, for men but not for women, for Catholics but not Jews, Protestants but not Catholics. It has to be free for everyone.

Of course, as my dear friend and colleague from Vermont knows, this was later expanded under a couple of court cases in the early 1970s to also say that you can't discriminate on the basis of disability. Kids with disabilities under our Constitution also must receive a free, appropriate public education.

Since 1965, the Federal Government has been providing support and funds for elementary and secondary education. Thus, that is the bill we are debating.

As we have looked at the concept of what the Federal Government ought to do in terms of helping elementary and secondary education, we have title I programs.

We had the Eisenhower math and science programs and a variety of different efforts where we have come in and targeted the funds to address a national need, whether it was a lack of science or math, under the Eisenhower math and science program, to try to help needy students who perhaps did not have any early childhood education or support, and title I programs, remedial math programs, to get these kids to catch up, get ready to learn. That is what these were all designed to do.

I forgot to mention one other aspect of our involvement in elementary and secondary education, and that was the free school lunch program, and later, the school breakfast program; both targeted not only nutritional needs but were to help kids learn better in school. I have been advocating for a long time—at least since I read Jonathan Kozol's book ''Savage Inequality''—that the Federal Government needs to be involved in helping to rebuild and modernize our public schools. Why? In many areas you have poor schools, and the property-tax payers are overburdened as it is. We need to help them build these schools. It is a national problem, not just local.

So I believe this is a proper role for the Federal Government. As I said, I have been advocating this for over a decade. In fiscal year 1995, I did secure $100 million in the appropriations bill as sort of a downpayment to get us started on this. I was disappointed when those funds were later rescinded. But, then, as the years went by, we made real progress, and last year we passed a $1.2 billion initiative to make emergency repairs to our schools. This was a bipartisan agreement, hammered out with Congressmen GOODLING, PORTER, and OBEY on the House side, and Senators JEFFORDS, SPECTER, myself, and the White House, who all got involved in that and we hammered out this agreement. That was passed last year. That money is now going out to the States.

In about 2 months, that $1.2 billion will be made available to the States on the basis of the incidence of poverty, basically following the title I program. So those States with a high incidence of poverty tend to get more of the money. This is a busy chart, but it shows you the distribution on July 1 for school renovation grants. It goes from California, with $138 million; New York gets $105 million; North Carolina gets $21 million; North Dakota gets $5 million; Ohio gets $37 million; Pennsylvania, also another big player in this, gets $44 million; Texas gets $94.9 million to help modernize and rebuild its schools; Louisiana gets $24.9 million; Vermont gets $5.4 million, about the same as Iowa, which gets $6.4 million. So this money is all contributed on the basis of the incidence of poverty as to the population in those States.

We can't solve the whole problem in one year. This will make a difference, but the bill before us eliminates this program at a critical time, just when it is getting off the ground, the first year. We will get the money out to the States; they will be able to use some of this to get up to fire and safety code in some schools and modernize some schools, and this bill will pull the rug out from underneath them.

We must continue this program to repair and renovate our Nation's public schools. That is why I am proposing this amendment on behalf of myself and Senators KERRY, LEVIN, REID of Nevada, BIDEN, CORZINE, JOHNSON, CANTWELL, TORRICELLI, BINGAMAN, CLINTON, and DODD. They are the cosponsors.

This amendment reauthorizes the school renovation program that we created last year and increases the authorization level from $1.2 billion to $1.6 billion. The amendment continues to split between school modernization and the needs of kids with disabilities under IDEA, which we negotiated in last year's bill. Seventy-five percent of the funds will finance urgent repairs, such as fixing a leaky roof, replacing faulty wiring, or making repairs to bring schools up to local safety and fire codes. That is 75 percent of the $1.6 billion. The remaining funding will support activities related to the Individuals with Disabilities Education Act, part B, or for technology activities related to school construction.

The need to help schools make these repairs is clear. The Healthy Schools Network has reported many problems around the Nation.

Several parents complain that their children were getting sick at a large city school near Albany, NY. The county inspected the school and found unsafe levels of lead and mold in the school. The school has not been able to correct the problem, citing a lack of funding for repairs. But the children continue to go to that school.

A child in North Carolina missed several days of school suffering from headaches and stomach aches. During summer break, the child's illness abated. But when school started and they came back, he got sick again. The child attends class in an old trailer that has poor ventilation and bad odor problems.

In Southern California, a teacher was forced to quit teaching after she suffered hearing and voice loss from, again, lack of proper ventilation and mold in her fourth grade classroom.

A Virginia parent said her son felt sick at school and was doing very poorly. An inspection of the classroom found nonfunctioning ventilators, water stains, mold in the ceiling tiles. Leaky roofs, peeling lead paint, poor plumbing, not meeting fire and safety codes aren't just an inconvenience, they are a hazard to our children.

In my State of Iowa, the State fire marshal reported that fires in Iowa schools have increased fivefold over the past several years, from an average of 20 per year in the previous decades to over 100 per year in just the last decade. I asked why that was. Well, the schools are getting older, the wiring is in disrepair, and thus the fires are started. What happens is they don't have proper wiring, and maybe they put more things in the classroom, and they expand the number of plugs going in the sockets, and they overload the circuits and fires start.

So there is a clear need to help school districts improve the condition of their schools to ensure the health and safety and education of our children.

States and local communities are struggling to renovate existing schools and build new ones to alleviate overcrowding. School construction modernization is necessary to equip classrooms for the 21st century and improve learning conditions, end overcrowding, and make smaller classes possible.

Our school buildings are wearing out. Nearly three-quarters of all public schools in America were built before 1970; 74 percent were built before 1970. In fact, almost 1 out of every 3 schools in America was built before World War II, in the last century.

According to the National Center for Education Statistics, when a school is between 20 and 30 years old, frequent replacement of equipment is necessary. When a school is between 30 and 40 years old, all of the original equipment should have been replaced, including the roof and the electrical system. After 40 years of age, a school building begins to deteriorate rapidly, and most schools are abandoned after 60 years. Yet before World War II, over 60 years ago—and 1 out of 3 schools functioning today were built over 60 years ago—the average school building was 42 years old, as I noted.

Technology is placing new demands on schools. As a result of the increased use of technology, many schools must install new wiring, new telephone wires, new electrical systems, and the demand for the Internet is at an all-time high. But in the Nation's poorest schools, only about a third have Internet access.

The need to modernize our Nation's public schools is clear, and yet the Federal Government lags in helping our local school districts address this critical problem. Because of increasing enrollments and aging buildings, local and State expenditures for school construction have increased dramatically—by 39 percent from 1990 to 1997. Let me repeat that. Local and State expenditures for school construction has gone up 39 percent from 1990 to 1997. However, this still has not been sufficient to address the need.

Those taxes come from property-tax payers which—not in every case but in most cases—is one of the most unfair, unsound ways of taxing to raise money for our public schools. Again, if you live in an area where there is high income and pay high property taxes, you have good schools. If you live in an area that is low income with low property taxes, you have poorer schools.

Is that any way to run the educational system of America based upon property taxes or where you live? If you are lucky and are born in suburban Northern Virginia, you have great public schools, but if you are born in southern Maryland or maybe even in the southern part of Iowa—I can speak about my own State—where we have low property values, a lack of a good property tax base, you simply do not have the good schools that you need.

This amendment will help school districts make the urgent repairs needed to make schools safer for our children, but we have to do more.

Some buildings have simply outlived their usefulness. As I mentioned, we have to build an additional 6,000 schools in the next decade. We are not even talking about that here.

In the near future, the Senate will act on a tax bill. I will be working with my colleagues, Senator KERRY and others, to provide school modernization tax credits to help underwrite the nearly $25 billion of new school facilities that are needed.

Mr. President, you might ask: Will this approach work? It will work. We have had an experiment going on in Iowa. We are in the third year of a school modernization demonstration project. Over the past 3 years, $28 million in Federal funds have gone to my State of Iowa to rebuild and modernize schools to bring our schools up to safety and fire codes, to make sure these schools are meeting the needs of the 21st century.

Twenty-eight million dollars have gone to Iowa, but it has leveraged $311 million in repair and new construction projects. For every dollar the Federal Government has invested in Iowa, it has leveraged over $10 of State spending to help repair our schools.

The Iowa construction grant program shows what can happen if we put this money out nationally. If we put this money out nationally, the $1.2 billion that we did last year, I guarantee it is going to leverage money all over this country to rebuild and modernize our schools. That is why with $1.2 billion, I would be shocked if we come in at less than $7 billion or $8 billion of additional money leveraged in the States to meet this requirement. That is what this amendment is all about.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it my understanding that we will be voting at 5:30 p.m.; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I congratulate and thank the Senator from Iowa for bringing up this amendment. We will have an opportunity to address this issue perhaps later this evening and tomorrow.

As we have worked on the Elementary and Secondary Education Act, there have been five major components. A well-trained teacher in every classroom is enormously important. Smaller class sizes for the early grades are enormously important. Afterschool supplementary services are enormously important. Having newer computers and technologies to avoid a digital divide are enormously important. But to have a schoolroom that is going to be safe and secure and free from the conditions which the Senator described is absolutely essential as well.

I thank him very much. I will have more to say about this when the time comes. We are going to be voting in a few moments.

Mr. KERRY. Mr. President, I would like to discuss the amendment that the Senator from Iowa and I, and others, have offered to deal with the oft-discussed issue of overcrowded and dilapidated schools.

As many of my colleagues know, for this is an issue that we have talked about before and even addressed in a bipartisan fashion last year, the need for school construction assistance is great. Three-quarters of the public schools are in need of repairs, renovation, or modernization. More than one-third of schools rely on portable classrooms, such as trailers, many of which lack heat or air conditioning. Twenty percent of public schools report unsafe conditions, such as failing fire alarms or electric problems.

At the same time the schools are getting older, the number of students is growing, up 9 percent since 1990. The Department of Education estimates that 2,400 new schools will be needed by 2003 and public elementary and secondary enrollment is expected to increase another million between 1999 and 2006, reaching an all-time high of 44.4 million and increasing demand on schools.

I have come to the floor on more than a few occasions and made clear my feeling that Democrats need to acknowledge that bricks and mortar alone are not the answer for our public schools; I think the reforms on accountability, local control, and tough standards that our party has embraced make clear that we have heard that message, but it does not for a minute dilute the fact that it's increasingly difficult to have meaningful reform in schools that are falling apart at the seams. Research does show that student and teacher achievement lags in shabby school buildings, those with no science labs, inadequate ventilation, and faulty heating systems. Older schools are also less likely to be connected to the Internet than recently built or renovated schools. Facilities are vital to implementation of research-based school reform efforts. We know, for example, that students learn more effectively in small classes, but school districts cannot create smaller classes or hire more teachers unless there is a place to put them.

Many schools are trying to offer more robust curricula, including music, physical education and classes in the arts, but their ability to provide these programs is hampered if there is no space to house them.

Almost every State in the Nation has implemented curriculum standards, calling for advanced work in science and technologies, but some schools are so old that their electrical wiring cannot support enough computers for the students and their science facilities are so antiquated that students cannot perform the experiments required to learn the State's curriculum.

Some school districts are looking to implement universal preschool—a service that we know enhances children's school preparedness and which a study published in last week's Journal of the American Medical Association confirmed makes children more likely to complete high school, less likely to need special education or grade retention services while in school, and more likely to avoid arrest as young adults—but the lack of available facilities is often prohibitive. If we are serious about encouraging research-based, meaningful, effective education reforms—and if we are serious about doing our part to help local districts run safe schools—a commensurate investment in school facilities is imperative.

I have listened to the debate today and have heard some of my colleagues on the other side of the aisle talk about the Federal Government overstepping its bounds into what is a State and local issue. I agree with their sentiment that the Federal Government should not go into local communities and decide what to build or decide what to repair. I also agree, to a certain extent, that the burden of building and renovating schools should be borne by localities.

But what we have seen very clearly over the past several years is that States and local school districts are investing in school construction, but they still need our help. Annual construction expenditures for elementary and secondary schools have been growing. But local and State budgets have not been able to keep up with demand for new schools and the repair of aging ones. Unless school leaders can persuade their wary voters to pass such bond referendums or raise local taxes, though, there's often little hope of change. Until the last few years, the plight of State and local leaders had not received much attention from Washington. Last year we came together to respond to their call by funding a $1.2 billion grant program and this year we should come together again and pass legislation that continues our commitment to help local districts with their repair and renovation needs.

The amendment that we are offering will provide $1.6 billion in grants to local education agencies to help them make urgently needed repairs and to pay for special education and construction expenses related to upgrading technology. And this amendment builds upon the bipartisan emergency school modernization initiative that passed into law as part of the fiscal year 2001 Labor-HHS-Education bill.

Under this amendment, States will distribute 75 percent of the funds on a competitive basis to local school districts to make emergency repairs such as fixing fire code violation, repairing the roof or installing new plumbing. The remaining 25 percent will be distributed by State competitively to local school districts to use for technology activities related to school renovation or for activities authorized under the Individuals with Disabilities Education Act.

I know that my friend from Iowa has seen this school modernization program work. Earlier he talked about the demonstration program in his State, which leveraged $10.33 for each federal dollar invested in the demonstration program. This amendment is a partnership between the Federal Government and districts and it does constitute a legitimate role of the Federal Government.

It is a tragedy that so many of our Nation's students attend schools in crumbling and unsafe facilities. According to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers found school facilities to be in worse condition than any other part of our Nation's infrastructure.

The problem is particularly acute in some high-poverty schools, where inadequate roofs, electrical systems, and plumbing place students and school employees at risk. Last month I visited the Westford Public School District in Massachusetts. School facilities were a big concern for this semi-rural town which has seen its student population sky rocket in recent years, but has not experienced comparable property tax revenues. In order to meet the fiscal demands of new school construction, the town is foregoing replacement of large, drafty windows from the early 1950s and is relying on pre-fab trailers to serve as an elementary school.

The Wilson Middle School in Natick, MA, was built for approximately 500 students and currently houses 625. The school has no technical infrastructure, it has no electrical wiring to allow the integration of computers in the classroom. The classrooms are 75 percent of the size of contemporary classrooms and were built with chairs and desks fixed to floor. Classrooms like these make it near-impossible for teachers to use modern-day teaching methods which rely heavily on student collaboration and interaction. The school also lacks science laboratories, making it impossible for students to do hands-on work and experiments.

Natick High School, like many aging school buildings around the Commonwealth, needs to have its basic infrastructure updated: electrical wiring, heating, plumbing and intercom systems are among the many components of the school in need of modernization. Also, the science labs are presently unable to meet the demands of updated State curricula. Natick put in place a prototype lab, and saw remarkable changes in students' interest and ability to experiment in science.

The urgent repair funding that passed the Congress last year provided $1.2 billion for repairs in high-need schools. In fiscal year 2001, this important program will help repair some 3,500 schools across the country and Massachusetts is slated to receive $19.5 million. But that will be the only money that my State receives unless we pass this important amendment and ensure that every student has a safe learning environment.

The ESEA bill that we have been debating for the past several weeks represents a true coming together of the parties. This body worked tirelessly to hammer out an agreement on the outstanding issues that have separated us in the past and which prevented us from completing work on this reauthorization during the last Congress. It is my sincere hope that we can come together again on the issue of school construction and pass legislation that addresses this nation's critical need for school repairs and renovation, and that we can do it as a part of a broader package of honest and tough reforms which focus, above all else, on the goal of empowering our schools to raise student achievement.

Mr. JOHNSON. Mr. President, I rise in support of Senator HARKIN's amendment to the Better Education for Students and Teachers (BEST) Act, S. 1, that would restore the critical school repair program. I commend Senator HARKIN for his leadership on this issue, and I thank Senators KENNEDY and JEFFORDS for the work that they have done on the overall elementary and secondary education reauthorization bill before us today.

I am pleased to be a cosponsor of this amendment. Communities across the country like many in my home State of South Dakota are struggling to address critical needs to build new schools and renovate existing ones. School construction and modernization are necessary to address urgent safety and facility needs, to accommodate rising student enrollments, to help reduce class sizes, and to make sure schools are accessible to all students and well-equipped for the 21st century.

In South Dakota, it has become increasingly difficult to pass school bond issues, given the fact that real estate taxes are already too high and our State's agricultural economy has been struggling. The result is an enormous backlog of school construction needs, and the costs of repair and replacement only increase with each passing year. A report by the General Accounting Office found that in my home State of South Dakota, 25 percent of schools

have inadequate plumbing, 21 percent of schools have roof problems, 29 percent have ventilation problems, and 21 percent of schools are not meeting safety codes.

Crumbling schools are not just an urban problem. They are a nationwide problem, and rural areas are no exception. In fact, 30 percent of schools in rural areas report at least one inadequate building feature. Nationwide, the statistics are similarly ominous.

The findings surrounding the condition of our Nation's schools is downright frightening. Fourteen million children attend classes in buildings that are unsafe or inadequate. Nearly three-quarters of our Nation's schools are over 30 years old with 74 percent of schools built before 1970.

According to the American Institute of Architects, one in every three public schools in America needs major repair. The American Society of Civil Engineers found school facilities to be in worse condition than any other part of our Nation's infrastructure.

South Dakota's tribal schools also face very serious facilities problems and major construction backlogs. There are nine federally recognized tribes in South Dakota. At the same time, my State has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries.

With 56 percent of its people under the age of 24, the Native American population in this country is disproportionately young when compared the American population overall. This population strains existing school facilities. The BIA estimates that there is a construction backlog of $680 million in its 185 elementary, secondary and boarding schools serving Indian children on 63 reservations in 23 States.

However, after several years of debate on this issue, Congress made substantial progress last year on the fiscal year 2001 appropriations bill by including a bipartisan agreement to provide $1.2 billion for a new school urgent repair and renovation program. This important program will help repair some 3,500 schools across the country this year and assist schools with approximately $5.4 million in repair needs throughout the State of South Dakota.

Under this program, funds are allocated to the States based on title I and States are to make competitive grants to Local Education Agencies, LEAs. 75 percent of the funds are to be distributed to LEAs to make urgent repairs such as fixing a leaky roof, replacing faulty wiring or making repairs to bring schools up to local safety and fire codes. The remaining 25 percent of the funds are to be distributed to LEAs for activities related to Part B of IDEA or for technology activities related to school renovation. $75 million is reserved for school districts with more than 50 percent of their students residing on Indian lands.

Senator HARKIN's amendment reauthorizes this critically important program and increases the authorization to $1.6 billion, continuing the split between school modernization and IDEA negotiated in last year's bill.

It is no secret that crumbling schools are a problem of enormous magnitude. It is nearly impossible to measure the impact that these conditions have on students' ability to learn, but there is no doubt that the impact is severe.

The school repair program is a key component in a dual strategy to modernize our Nation's schools. Some schools have simply outlived their usefulness and need to be replaced. In addition, the record enrollment in our Nation's public schools have caused overcrowding that can only be remedied by building new schools. Estimates are that we will need to build 6,000 new schools by the year 2006 if we want to keep class sizes the same as they are presently. That is why we also need to pass legislation to provide school modernization bonds that will finance at least $25 billion in new construction through a Federal-State-local partnership. South Dakota has a great many school districts which are not completely impoverished, but yet find it almost impossible to pass a bond issue and otherwise adequately fund their education programs. I strongly believe that there is a legitimate federal role in helping fix our Nation's crumbling schools, and we can do so without undermining local control of education.

I applaud and support these efforts to invest a small portion of our Nation's wealth in improved educational opportunities and facilities for all—this investment now, will result in improved academic performance, better citizenship and a stronger economy for generations to come. I urge the Senate to pass Senator HARKIN's amendment and invest in the health and well-being of our Nation's school children.

AMENDMENT NO. 477

Mr. KENNEDY. Mr. President, I want to state for the record that I will vote in opposition to the McCain position. I expect it will be an up-or-down vote. If not, I will vote to table. He is entitled to an up-or-down vote. I want to explain my position.

I indicated to colleagues that on this legislation I was going to resist nongermane amendments. I do not think the majority leader has the right to a pocket veto. Although it is a position which I strongly support, we have to be consistent if we are going to take the position that we are not going to support nongermane amendments. We cannot pick and choose with which ones we agree and differ.

Even though I agree with this amendment, I indicated to colleagues that I would oppose nongermane amendments. Therefore, I feel compelled to oppose this amendment.

Should there be an expression of overwhelming support for this, then, obviously, I will at that time interpret my vote perhaps in a different way. I have every intention now to vote in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I follow my good friend from Massachusetts in explaining that I, too, certainly agree with Senator MCCAIN on the merits of his proposal and that we should send that very fine bill to the House, but I also made a commitment to oppose all nonrelevant amendments to the bill. Thus, I will vote against the McCain amendment, but I certainly support the advancement of campaign finance reform and was one of the principal sponsors and participants of that legislation of which I am very proud. I have made this commitment, and I will stick by it.

Mr. President, I yield the floor. We are almost at the point of voting.

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. JEFFORDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the amendment under discussion is laid aside. The question is on agreeing to amendment No. 477. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

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

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—61

Allen	Dodd	McCain
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Fitzgerald	Reed
Byrd	Graham	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inouye	Snowe
Cleland	Johnson	Specter
Clinton	Kerry	Stabenow
Cochran	Kyl	Thompson
Collins	Landrieu	Torricelli
Conrad	Leahy	Warner
Corzine	Levin	Wellstone
Daschle	Lieberman	Wyden
Dayton	Lincoln	
DeWine	Lugar	

NAYS—36

Allard	Campbell	Frist
Bennett	Craig	Gramm
Bond	Crapo	Grassley
Brownback	Domenici	Hagel
Bunning	Ensign	Hatch
Burns	Enzi	Helms

Hutchinson	Murkowski	Smith (NH)
Inhofe	Nickles	Smith (OR)
Jeffords	Roberts	Stevens
Kennedy	Santorum	Thomas
Lott	Sessions	Thurmond
McConnell	Shelby	Voinovich

NOT VOTING—3

Akaka	Gregg	Kohl

The amendment (No. 477) was agreed to.

Ms. CANTWELL. Mr. President, one reason I made campaign finance reform a centerpiece of my campaign and joined by colleagues Senators MCCAIN and FEINGOLD in working hard to pass campaign finance legislation, is because our current campaign finance system contributes to Americans' growing cynicism about government. And who can blame them for being cynical and believing that government really does not represent their interests, when procedural maneuvering causes a bipartisan bill passed by a wide majority to fail to be transmitted from the Senate to the House?

The McCain-Feingold bill passed this body with 59 votes. Similar legislation has twice passed the House with 252 votes. The majority of both bodies clearly support campaign finance reform, and so do a majority of the American people. Yet leaders in both Houses are apparently determined to use every tool at their disposal to force this broadly supported bill into a divisive conference committee composed of the most vocal opponents of reform.

The day we passed this bill in the Senate, I spoke on the floor about what an amazing feeling it was to have accomplished one of my primary legislative goals within 90 days of arriving in the Senate. While I never thought that day would be the end of the battle to pass this bill, I must admit that I certainly did not expect to be back on this floor because the bill, despite its comfortable margin of passage six weeks ago, continues to gather dust here in the Senate because the Republican leadership cannot reconcile itself to the most significant campaign finance reform in a quarter century. In an information age, we owe our citizens a government free of special interest influence. Not a system of expedient, special-interest based, decision making, and not a system that engages in byzantine maneuvering to delay and thwart the will of the majority.

I hope that the leadership of both the House and the Senate will stop attempting to devise new ways to stonewall this bill and allow the Senate-passed version of this legislation to be debated and voted on in the House without further delay.

Mr. LIEBERMAN. Mr. President, I rise today to note that due to the need to fulfill a long-scheduled speaking engagement at a university made in the expectation there would not be votes, I unfortunately was not able to be here in the Senate last night to vote on two amendments to the education bill, S. 1. I would like to say for the record that I would have voted for both amendments and am pleased that they both passed with broad bipartisan approval.

I support Senator REID's amendment, #460 to expand the 21st Century Community Learning Centers to include projects with emphasis on language and life skills programs for limited English proficient students. We know that assisting students to acquire English proficiency is becoming increasingly important as many of our communities are receiving immigrant children from many different countries. Limited English proficient students are at greatest risk for dropping out of school and are among some of our lowest performing subgroups of students. I have long been an advocate for investing increased Federal resources and greater attention on limited English proficient students. My own ESEA reauthorization bill, S. 303, calls for $1 billion in formula funds focused on increasing the English proficiency and raising the academic performance in all core subjects of our immigrant children. One of the primary risk factors for low academic performance and dropping out of school among immigrant students is their lack of English proficiency. Students that are proficient in English have a much greater chance to reach higher levels of academic achievement and fully participate in our society. The Reid amendment would help many immigrant children receive the extra help they need for English language acquisition through after-school programs. The Senate clearly recognized the value of this amendment by approving it 96 to 0.

I also support Senator CLELAND's amendment, #376 on school safety. It makes funds available to establish a center to offer emergency assistance to schools and local communities by providing information and best practices on how to respond to school safety crises, including counseling for victims, advice on how to enhance school safety and would operate a toll-free nationwide hotline for students to report criminal activity, threats of criminal activity and other high-risk behaviors. It also would provide grants to help communities develop community-wide safety programs involving students, parents, educators, and civic leaders. This amendment would further help to forge a crucial partnership between the Department of Education and the Attorney General so that these two departments may work together to ensure that our schools have the resources and tools they need to create safe learning environments for our nation's youth. In addition, the amendment would provide flexible funding, something that I have long fought for, to enable localities to design school safety programs that best meet their specific needs. For all of these reasons, I would have voted for the Cleland amendment and am pleased it passed by a strong vote of 74 to 23.

(The original statement of Senator FEINSTEIN which was delivered on Monday, May 14, but omitted is as follows:)

AMENDMENT NO. 443

Mrs. FEINSTEIN. Mr. President, I am pleased to co-sponsor this amendment with Senators VOINOVICH, BAUCUS, COCHRAN, LANDRIEU, MURRAY, and CORZINE.

Under current law, elementary and secondary teachers can receive up to $5,000 of their student loans forgiven in exchange for 5 years of teaching. Head Start teachers are not currently included in the federal loan forgiveness program. By offering Head Start teachers the same loan forgiveness benefit as that afforded to elementary and secondary school teachers, I believe, we will encourage more college graduates to enter the field.

Many Head Start programs in California are losing qualified teachers to local school districts in part because the pay is better—nationally, the average Head Start teacher made $20,700 in 2000 compared to $40,575 for an elementary and secondary school teacher. Head Start teachers are making half of what elementary and secondary teachers are paid on average.

Low pay, combined with mounting student loan debt, is a real deterrent to getting college graduates to become Head Start teachers.

Today, there are no educational requirements for a Head Start teacher other than a child development associate (CDA) credential, requiring 24 early child education credits and 16 general education credits. By 2003, 50 percent of Head Start teachers will be required to have at minimum an associate or 2-year degree.

Under this amendment, a Head Start teacher who has completed at minimum a bachelor's degree could receive up to $5,000 of their federal student loan forgiven provided they agree to teach for at least 5 years in a Head Start program.

Clearly, we should recruit qualified teachers to the Head Start field who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning. Obtaining and maintaining teachers with such educational backgrounds will, I believe, improve the cognitive learning portion of the Head Start program so that our youngsters can start elementary school ready to learn.

Several recent studies confirm the importance of investing in the education and training of those who work with preschoolers.

The National Research Council has recommended that:

> . . . children in an early childhood education and care program should be assigned a teacher who has a bachelor's degree with specialized education related to early childhood. . . . Progress toward a high-quality teaching force will require substantial public and private support and incentive programs, including innovative education programs, scholarship and loan programs, and compensation commensurate with the expectations of college graduates.

Last year, the Head Start 2010 National Advisory Panel held fifteen national hearings and open forums. The panel found:

. . . that despite increases resulting from Federal quality set-aside funding, relatively low salaries and poor or non-existent benefits make it difficult to attract and retain qualified staff over the long term. . . . the quality of the program is tied directly to the quality of the staff.

Head Start is one of the most important federal programs because it has the potential to reach children early in their formative years when their cognitive skills are just developing. Many of our Nation's youngsters, however, enter elementary school without the basic skills necessary to succeed. Often these children lag behind their peers throughout their academic career.

I believe we must continue to improve the cognitive learning aspects of the Head Start program so that children leave the program able to count to ten, to recognize sizes and colors, and to recite the alphabet. To ensure cognitive learning, we must continue to raise the standards for Head Start teachers. Offering Head Start teachers similar compensation for their educational achievements and expenses afforded to other teachers is one step to encouraging college graduates to become Head Start teachers.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

Mr. REID. Reserving the right to object, Mr. President, it is my understanding, because there are people waiting to find out what the final decision is, that there will be no more votes tonight. That is my understanding; we are trying to finish.

Mr. JEFFORDS. That is my understanding.

Mr. REID. I also ask if there is going to be any more legislative business tonight.

Mr. JEFFORDS. Other than what is cleared between the two leaders, there will be no other business.

Mr. REID. I withdraw my objection.

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

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I understand we may speak as in morning business for a few minutes.

The PRESIDING OFFICER. Up to 10 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak for about 4 minutes.

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

ENERGY

Mr. MURKOWSKI. Mr. President, I rise on a small point, but it is representative of some of the difficulties we are having in trying to keep some focus on reality associated with the administration's anticipated energy package.

I am sure many Members saw the Washington Post today, Tuesday, May 15. On the front page there was a color picture of the Phillips Petroleum Company facility at Alpine which depicts very vividly the realization that technology indeed can make a very small footprint in the Arctic areas of Alaska, my State.

The picture represents a fair evaluation of this development. It was taken in the summertime, that brief 2½ months or so when the area is not covered with ice and snow. The viewer can see the river, the lakes. But to grasp the significance of it, one has to recognize that this is a major oil field in itself. Yet it takes less acreage than the District of Columbia.

That footprint is concentrated in the area that is known as Alpine. For the most part, one derrick has drilled the wells there. These are directional drills that go out for many miles recovering the oil. This particular facility is producing about 88,000 barrels a day.

However, there is another picture. This is the point I want to bring home to the Members. In an effort to try to draw a balance, if you will, between development and the wildlife in the area, the Washington Post portrays a picture of three little bears, and it is entitled ''A polar bear with her cubs rests in Alaska's Arctic National Wildlife Refuge.''

The reality is that this picture was not taken in the Arctic National Wildlife Refuge. It was taken in another area of Alaska far, far away.

It isn't that we don't have polar bears in Alaska. We are all concerned about the beauty and the majesty of this beast, but we have done a lot to encourage the polar bear by safeguarding it from any trophy hunting. In Alaska, you cannot take a polar bear for a trophy. You cannot take a polar bear if you are a non-Native, but you can go to Canada and you can go to Russia.

We have and will provide for the RECORD the statement from the photographer of exactly where this picture was taken. But it is not in ANWR, and the photographer is prepared to give a statement in that regard. Here again we have another mischaracterization, the implication that ANWR is filled with polar bears and that if we open up this fragile area, somehow we are going to disturb the polar bears. That is not accurate.

The Washington Post should know better. They should check their sources. They should recognize that polar bears for the most part live out on the ice. Why do they live on the ice? Because that is where there is something to eat. They live on the ice, and they stalk the seal. As a consequence, they don't come into the Arctic National Wildlife area in any abundance.

They do come in from time to time. But there is little food for them, and during the months where the ice is continually moving, they simply stay out on the ice where they can have the availability of food. It is noted that there are very few that den on the shores adjacent to ANWR. So, again, I encourage my colleagues to recognize, as I am sure many people who see in the Washington Post today those warm and cuddly polar bears, that they are being misled in this particular photo because this photo was not taken in ANWR.

I also encourage my colleagues to recognize that the administration is going to come out with an energy task force report. While I have not had briefings to amount to any significant detail, I think it is important for the American people, and my colleagues particularly, to know that it addresses positive corrections in the imbalance we have in America's energy crisis.

We do have a crisis. One need only look at California to recognize that Californians are going to be paying an extraordinarily increased amount for energy. Electricity is $60 billion to $70 billion. Last year, it was in the area of $28 billion. The year before, it was $9 billion. They have an energy crisis. We haven't built a new coal-fired plant in this country since 1995. Yet close to 51 percent of our energy comes from coal. We haven't built a new nuclear plant in this country for more than 10 years. Yet we know the value of nuclear from the standpoint of what it does to air quality. There are no emissions. There are other tradeoffs.

We also know we are now 56- to 57-percent dependent on imported oil, and the forecasts are that the world will be increasing its consumption of oil for one reason—for transportation—by nearly a third in the next 10 years or so.

We have seen natural gas and our increasing dependence on natural gas because it is one of the few areas where you can get a permit to put in facilities. Yet natural gas prices have increased dramatically from $2.16 per thousand cubic feet 18 months ago to $4, $5, $6, $7 to $8. We have had a coming together and that coming together also involves distribution. We have had the realization in the hearing that we had today before the Energy Committee, which I chair, that there are severe constrictions on transmitting electric energy.

In our bill that we introduced, we left out eminent domain for electric transmission lines purposely because we felt the States could meet that obligation as they saw fit. Now some suggest that States don't have the commitment internally to reach a decision and are going to need Federal eminent domain. Maybe that is the case. It is like the perfect storm; everything is coming together at once. No new coal, no nuclear, dependence on imported oil, higher costs for natural gas, no relief on transmission. Now they are saying we have to do something about it immediately.

Well, what do you do about it? This didn't come overnight. We have seen the realities with regard to higher prices of gasoline. Yet we know we don't have the refining capacity. We haven't built a new refinery in 25 years in this country. We have our refineries up to maximum production. They were busy making heating oil. Now they are trying to build up inventories for gasoline. So you not only have a shortage of refined capacity but you are dependent primarily on foreign countries—OPEC, for the most part—for our crude oil. We suddenly find we have an inability to refine an adequate amount. So with inventories low, the maximum utilization out of refineries is converting over—and they have been for some time—to gasoline; and then the complications of 15 different types of reformulated gasoline in this country that require almost a boutique type of activity in the refiners, where they have to refine it to specific fuel specifications for the area—they have to separate it, batch it, transport it separately. Additives, whether ethanol or MTBE, complicate the process.

Is it necessary that we have that kind of a mandate? Clearly, the industry says they can meet the air quality requirements and the Clean Air Act if you will give them some flexibility. Well, we haven't given them the flexibility.

The public wants relief, and I think it is unfair to characterize the new administration with having the sole responsibility to come up with so-called immediate relief. Nobody is a magician around here, and it would take a magician to provide immediate relief for the crisis we have gotten into. But what we have to do is focus realistically, and I think that is the value of what we are going to see out of President Bush's and Vice President CHENEY's new energy task force—relief—which will be coming out Thursday.

We are not going to see generalities that say you can simply get there from here by conservation. Conservation is important, but conservation isn't going to do it alone. Make no mistake; Americans are used to a standard of living that has been brought about by plentiful supplies of relatively inexpensive energy. If we want to sacrifice our standard of living, that can be done. But I wonder how many people in California are ready to go out and turn in their old refrigerators, their old washers and dryers, when they are not worn out, for a new energy-saving appliance that will cut their energy bills in half. I don't know. Maybe we can mandate CAFE savings. We have a mandatory 27-mile CAFE standard currently in the automobile industry. People say, well, that doesn't include the vans, the suburban vehicles, the type that are so popular today, the SUVs and others. That is true. They are classified in the truck classification as light trucks, but the reality is that you can't get there on CAFE, either.

We have 207 million vehicles in this country. About 170 million are automobiles and the rest are trucks and cars. It is going to take you 10 years to make a significant dent in that number of vehicles because a lot of them aren't paid for. So you are not going to discard them.

If you mandate substantially increased CAFE standards, then people have to buy new cars; they have to buy new ones. CAFE standards are important, but you can't achieve the kinds of savings we need by CAFE standards. You can give tax credits for people who save energy. I think you will probably see an amendment or two on that to give them a $250, $300 tax credit.

The point is that we are far behind, and what the administration is going to propose is some positive steps as to how we can address the energy crisis. It is going to take the conventional sources of energy that we know and have had experience with and the addition of the clean coal technology that we have come to develop in the last decade or so. We can continue to use coal. We can use it in a manner in which we take out many of the impurities—the sulfur, and so forth. We can address the reality that we can produce more natural gas in this country, but the incentive has to be there. That is a return on investment.

Obviously, we can reduce our increased dependence on imported oil by producing more domestic oil. Of course, that involves my State of Alaska and the item that I first mentioned, the accuracy of some of the important portrayals of ANWR.

In conclusion, to those who suggest the potential development in ANWR, a reserve somewhere in the area of 5.6 billion to as high as 16 billion—and if it were an average of 10 billion it would be the largest oilfield found in the last 40 years—I suggest the prospects for developments of this area are very good. We have the technology to open it safely, there is absolutely no question about that, with the 3–D seismic and directional drilling.

The people, the residents in the area of Katovik and Nuiqsut, Barrow, the Natives who live in this area who are dependent pretty much on the realities associated with hunting and fishing for their livelihood, a subsistence lifestyle, also have aspirations of a better life, an alternative life, and this provides them with jobs, education, health care opportunities, and opportunities for their children as well to prosper. Just as people in any other community, they have visions of a better life. They support it.

Some say it is a 6-month supply. That is a totally unsuitable and inappropriate comparison because, as we all know, if you were to stop all the oil flowing into the United States for a 6-month period, that is what it would take to say that this is a 6-month supply. You would have to stop all oil imports coming in from my State of Alaska, from oil produced in the United States, whether it be from California, Kentucky, or Pennsylvania, or imported into this country from overseas. That is what it would take to equal a 6 months' supply of oil.

That Prudhoe Bay has supplied the Nation with 20 to 25 percent of crude oil for the last 25 years—and the likelihood is this field is larger than Prudhoe Bay and would immediately flow in the area of somewhere in excess of 1 million barrels a day—is the reality about which we are talking.

It is important Members keep in mind the reality of separating fact from fiction, which again brings me to the fiction associated with the front page of the Washington Post in identifying three little bears as residents of the Arctic National Wildlife Refuge. Clearly, they are not, and we will have certification from the photographer as soon as we can obtain it relative to the exact location of where the picture of the three bears was taken.

Mr. President, thank you for indulging me additional time. I yield to my good friend from Nevada, if he is seeking recognition at this time.

The PRESIDING OFFICER. The Senator from Nevada.

RECONCILIATION LEGISLATION

Mr. REID. Mr. President, as we speak, there is a meeting of the Finance Committee taking place. There are 10 Democrats on that committee and 10 Republicans. I have tried today but really literally have been able to spend no more than 3 or 4 minutes watching the proceedings. They have been going on all day. I understand they will go on into the night trying to come up with a tax bill we call reconciliation.

I have heard in the last few minutes that there is going to be an attempt tomorrow to bring that bill before the Senate. I hope the majority understands there are 40 Democrats and 40 Republicans who do not sit on the Finance Committee. It is a prestigious committee, I understand, but the members cannot speak for the rest of us, either Democrats or Republicans.

I very much want to have the opportunity to look through certain parts of that bill. It is going to be a very large piece of legislation. I doubt I will be able to read all of it, but I want to read parts of it. I have a staff that will read every word of it and bring to my attention those things I have not looked at first.

I have a staff that I think is well equipped to peruse that bill, but I just cannot imagine that we would go to that bill tomorrow without Members of the Senate having an opportunity to look at that legislation. That is how we get into trouble legislatively.

It is unfair to the American people. I have said from the very beginning we are doing well. We have a surplus. We deserve a tax cut. The American people, the people of Nevada deserve a tax cut, and they should get an immediate tax cut. But that tax cut should be given to them with deliberation. We

should make sure we understand every provision in that very important legislation. I cannot imagine a legislator voting for or against that bill not having the opportunity to read it.

I hope we slow down. We can work on this bill Thursday or next Monday or Tuesday just as well as we can tomorrow. What I prefer, when they report that bill out of committee, is we have several days to look at it.

I repeat, there is no effort on this Senator's part to unduly delay proceedings. There are all kinds of ways we can do that. There has been talk, if this proceeding goes forward as indicated, that people will file lots and lots of amendments, and we would have to vote on every one of them and the voting would take several weeks.

There are methods of slowing this down. I hope we will not have to resort to any of those. I hope we have ample time for us and for our staffs to review this legislation in some detail.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield for a question?

Mr. REID. I will be happy to yield to my friend from North Dakota, whom I appreciate being here. I say prior to yielding, I served in the House with my friend from North Dakota. I looked to him when we served together. He was one of the leaders of issues dealing with money. He was on the Ways and Means Committee, which is the comparable committee to the Finance Committee in the Senate.

I will be happy to yield to my friend from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Nevada makes a critically important point. It is important for all of us to think through this process and this strategy. We are blessed with a wonderful country that has had an economy that has produced jobs and expansion and opportunity in the last years. We want to make sure we do not create a fiscal policy that turns that around and moves us back into big Federal budget deficits and economic contraction rather than expansion.

The Congress is now, in a new day, set to provide some tax breaks because we are at this point experiencing some budget surpluses.

I support tax cuts. They need to be thoughtful and reasonable. They need to be fair to all the American people. But what I worry about is we are told that the Finance Committee is now writing a tax bill. It is now 6:30 in the evening. I understand there are over 120 amendments to that bill that have been filed. They are sitting over in, I believe, 216 of the Hart Building going through amendments. If they do finish tonight, I expect they will work until the wee hours of the morning.

We are told—I do not know if this is the case—we are told that at 10 o'clock tomorrow morning the Senate will be confronted with the reconciliation bill, the tax bill that is being written this evening. If that is brought before the full Senate for consideration at 10 o'clock in the morning, I ask who in the Senate, A, has read it; B, knows what is in it; and C, has studied it enough to evaluate what kind of amendments they may or may not offer.

The answer to that question—I will answer it myself—is nobody. Not one Member of the Senate will have the foggiest notion of what is in that bill. So bringing that bill up tomorrow at 10 o'clock in the morning will be a disservice to this body and a disservice, in my judgment, to good sound fiscal policy for this country.

We are talking, after all, about a proposal that will affect Federal revenues for well over a decade. We are talking about affecting Federal revenues for over 10 years. This tax bill is put together with the prospect that we will always have budget surpluses in our future, something I hope we will have, but there is no guarantee that will be the case. There is still such a thing as a business cycle, and there is still a contraction phase in the business cycle.

I worry very much we may not experience the surpluses, and if we put in a very large tax cut that some are proposing to do, the bulk of which, by the way, will go to the largest income earners in the country, if we do that in a way that is thoughtless rather than thoughtful, we will throw this country into very significant trouble.

I implore the majority leader and those involved in scheduling not to tell us that the Finance Committee will finish at midnight tonight and, oh, by the way, we will bring that before the Senate at 10 a.m. tomorrow knowing we have not read it, knowing we have not studied it, and knowing we would not have an opportunity to figure out what amendments might be necessary. We will do it and do it under a reconciliation proposal, which is a complete fraud as we know—it was never intended for this purpose—and it will be limited to 20 hours of debate on a bill that is worth trillions of dollars that will affect this country's revenues for the next decade. Is that a thoughtful or a thoughtless way to legislate? My hope is that we can persuade those in charge to understand the best way to do this would be to go through this committee, the Finance Committee, report a bill to the floor, have it printed—God forbid, that should be a radical thought, to have a bill printed—have it on the desks of Members of the Senate, have people study the bill, evaluate what its consequences might be for the country, figure out who gets what, whether it is a fair tax cut, and then come back and debate it after having a couple of days of study and evaluation, offer amendments, and proceed to decide exactly how the Senate wants to work its will on this important issue.

I ask the Senator from Nevada, does the Senator from Nevada think if they bring this to the floor at 10 o'clock in the morning that there is anyone in the Senate, save for those who serve on the Finance Committee, who will know what is in that piece of legislation?

Mr. REID. I answer my friend from North Dakota by saying I think there are several, of the 20 who serve on the committee, who would have a foggy idea of what is in various parts of that bill. Not even every member of the Finance Committee would have a foggy idea of what is in the bill. And certainly the 80 people who do not serve on the committee would not have the slightest idea of what is in that legislation. The Senator from North Dakota is correct.

I also say to my friend who has served in the Congress longer than I, I have known of occurrences when these bills are rushed through that mistakes are made: printing errors, people not having had the opportunity to look at them. Also, some mischievous things have happened. We know during the budget that was debated a couple of weeks ago in the House of Representatives, there were two very important pages missing that they found at 2 o'clock in the morning. Those were the pages dealing with how we would handle, in the budget, the tax measures. Whether it was done on purpose or not I do not know. The fact is those pages were found to be missing and it was necessary to put that over for a couple of days.

I say to my friend from North Dakota, I think the majority would be so much better served, our country would be better served, if we had the opportunity to have this week to study this legislation, come back Monday, we could come in at 9 o'clock in the morning—it doesn't matter to this Senator. We could have ample time next week. There are 20 hours to debate it. We could have some thoughtful amendments prepared.

I am stating to anyone within the sound of my voice that there may be some Senators who feel so strongly about this basic principle, that before you vote on something you should be able to read it, who have this radical idea that they want to have a bill that involves trillions of dollars and, as the Senator has indicated, will involve fiscal policy for this country for more than 10 years—they have this radical idea they would like to understand a little bit before they vote on it. They may feel so strongly that they may file a thousand amendments on this legislation, and the rules are that we only have 20 hours of debate, but we can have a thousand days of voting on amendments.

It would seem to me to serve everyone's best interests if we approach this in a deliberative manner, recognizing there are only 20 hours of debate on it. We could take it up Monday or Tuesday, finish it next week.

I say to my friend from North Dakota, I will be happy to yield to him to answer that question. Does it not seem to make sense with a piece of legislation that will be huge, to have some idea what is in it before we are required to vote on final passage of this

most important legislation to people of Nevada, North Dakota, and all over this country?

Mr. DORGAN. The Senator from Nevada yields, and I appreciate that. I only have this to say. The people of America don't care, I am sure, whether you or I or anyone else has the opportunity to speak as long as we might want to speak on anything. They could not care less. Nobody is going to walk around with a bad attitude because somebody here doesn't have enough time to talk on the floor of the Senate.

What is important, if we are going to cut benefits, is who gets the benefit of those tax cuts? I wondered in school whether fractions would ever come in handy. We studied them in the lower grades. Let me give a couple of simple fractions.

From a briefing, I understand, over in the Finance Committee right now the chairman's mark—which is going to pass and be brought to the floor and apparently going to be brought here at 10 o'clock in the morning—does the following: The top 1 percent of the American income earners pay about a quarter of the taxes. They are going to get about a third of the tax cuts.

Let me say that again because I think it is important. The top 1 percent of the income earners in America pay about a quarter of the taxes, one-fourth of the taxes. But the tax bill that is going to come here at 10 in the morning gives them a third of the tax cuts.

I did take fractions. I didn't go way beyond fractions in my little school, but I understand fractions enough to understand that is not fair. Why not take some of that tax cut back, which is above that which should go to the top 1 percent, and give it back to the folks in the rest of the 99 percent and say: If we are going to give taxes back, let's make sure everybody is treated fairly. Wouldn't everybody at every tax bracket like to have a little more back than they pay in? The top 1 percent do. They get it under this bill.

As we take a look at all this and ask ourselves are we going to have a chance to dig into this, offer amendments, understand it, make changes, the answer is: If the bill is not written, except that provision, of course, is already in the chairman's mark and we know he has the votes to get that out—if this bill isn't written, they have 120 or so additional amendments they are going to consider this evening. Now we are told they want to bring it to the floor at 10 o'clock in the morning?

I just ask the question, not so much on my behalf but on behalf of the American people who are not going to get the benefit of getting a bigger tax cut than the proportion of that which they paid in in taxes, would it be fair to have everybody take a look at this and see if maybe there is not a little better way to cut this pie? There are only so many pieces when you cut these pies up. It seems to me there is kind of this hog-in-the-corn-crib approach to some of these things around here. The same people always get the biggest slice. Did you ever notice that? The same interests always seem to end up with the biggest slice.

That is what I fear is going to happen here. It is not that I oppose a tax cut. I do not oppose a tax cut. In fact, I support a tax cut. We have a surplus. Some of that ought to go back to the American people in the form of a tax cut. But it ought to be fair. It ought to be a circumstance where a lot of people who do not have lobbyists walking around this building or haven't been able to afford people to represent their interests, those people, somewhere on the floor of the Senate, ought to have people to dissect this, take it apart and evaluate who is getting a fair piece. Whose slice of this tax cut is appropriate? Whose slice is too large?

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

Mr. DORGAN. I will be happy to yield.

Mr. REID. The other Senator from North Dakota, I spoke to him right down in the well of the Senate a half hour ago. He left the Finance Committee to come to vote.

I said: How are things going, Senator CONRAD?

He said: You can't believe some of the things that are going on there. He said: For example, so that they do not raid the Social Security trust fund this year, they put off one provision for 15 days so they will not raid it for 15 days so they can go around and say we did not raid the trust fund this year—but we will do it in 15 days when it cuts in.

I would like to read that. I would like Senator CONRAD or someone on my staff to point out where it is they did that.

Mr. DORGAN. If you remember a couple of years ago, they created a 13th month—sort of the same tactic, perhaps by the same people.

Mr. REID. I remember that. Thanks for reminding me.

The Senator from North Dakota, Senator CONRAD, also said to me, one of the provisions in here had a sunset provision so things would just stop and have to start all over at a certain time. That was something that they have also, as of a half hour ago, a kind of gimmick, the sunset provision. They changed it only a matter of a few hours.

There are some things going on that should be open. Sunshine should shine on this bill so everyone has a chance to look at what is in it.

Maybe my suspicions are all wrong—I hope so; I hope everything has been done aboveboard—that the Medicare trust fund is not violated, as I think it is. I hope the Social Security trust fund is held inviolate, that it is not also raided so people get these tax cuts. The people of Nevada want tax cuts, but they do not want them at the expense of taking money from the Medicare trust fund or the Social Security trust fund. So all I am saying is, let's take a look at this bill and see whether that, in fact, is the case.

Would the Senator agree that those are a couple of examples, whether valid or not, and we should check to see if they are by reading the bill?

Mr. DORGAN. Mr. President, I say to the Senator from Nevada, he is absolutely correct. This rush here seems to me to be inappropriate if, in fact, they bring a bill to the floor tomorrow at 10 a.m. that has not yet been written—it is now 20 minutes to 7 here in Washington, DC—the bill has not yet been completed, and there are 100 and some amendments remaining. They are over in the Hart Building finishing it. It will be brought over to the Senate. I guarantee it will not be printed. They will have one copy at the desk. Someone may have made some copies, some Xerox copies, and hope they don't lose a couple pages this time. A couple weeks ago they lost a couple pages and held things up. But that is not the way to legislate.

It seems to me the thoughtful way to do this would be to move this through the Finance Committee, have it printed, bring it to the floor, lay it over at least 1 day—it should be more than that—give people an opportunity to study it, and determine what is in it and how they might wish to amend it.

There is an old saying I mentioned before in this Senate Chamber: Never buy something from somebody who is out of breath. There is a kind of breathless quality to this rush: We must rush; We must get this done immediately; We must bring this bill to the floor immediately.

That is not fair. It is not fair in terms of those who come to this Senate wanting to represent their constituents, wanting to know what is in it for various income groups, various occupations. How will it affect their constituents? How will it affect the people living in their State? In order to do that, they will need to see how the bill is written and be able to evaluate it with their legislative assistants.

Just making a final point to the Senator from Nevada, I did serve in the other body, in the House, and served for 10 years on the Ways and Means Committee. We wrote tax law. We had done this many times, where we would write a rather complicated piece of legislation. But it has generally been the case that when you write tax law, and write legislation that is complicated—and tax law by definition is always complicated—you give people an opportunity to evaluate it, to think through it, to try to understand what kind of changes they would like to make; and then have the body work its will.

There is, as I said, a kind of breathless quality around here to rushing this thing through. I am not quite sure I understand why. As I indicated, this will affect our country for a decade. This is big stakes. It will have significant impacts on our economy, on the condition of the American economy, the rates of economic growth. I am not

sure how. I am not sure anybody understands how. But we ought to all be given the opportunity to think through and evaluate what is in it, what it means to our country, what it means for the American people in general, and what it means for income groups and occupations, and so on.

The only way we can do that is to have the time. So I urge the majority leader, do not try to do that tomorrow. Do not bring a bill up tomorrow that has not yet been printed and ask the Senate, under 20 hours of time, to begin debating and trying to amend a piece of legislation that has not yet been printed. That is not fair to the Senate and that is not a thoughtful way to legislate.

Mr. REID. If the Senator would yield, I think we have to make sure that people understand this is not some stalling game we are playing. This bill is fast tracked. We have 20 hours to debate it. The majority has a right to yield back 10 of those hours. So it could be done in 1 day.

But I do not think it is a radical proposal when I say for the people I represent—the 2 million people I represent—I would sure like to read this bill first, have my staff review this bill first. I do not think that is asking too much. That is all we are asking.

I think the majority is buying themselves a lot of trouble by trying to fast track this. There is no reason to do this. Let us look at the legislation. We are going to offer amendments anyway. We might as well offer amendments that have some bearing on the bill we have read rather than one we have heard about reported in the press.

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

PRAYERS FOR THE CAPITOL POLICE

Mr. REID. Mr. President, I was here this morning when the Senate was opened and the Chaplain gave a prayer. The prayer was dedicated to the police officers all over the country because this week we honor these brave men and women who have lost their lives in the line of duty. We recognize them. But the part of the prayer the Chaplain gave that I thought was so moving was directed to our Capitol Police force.

We take for granted these men and women who stand at the doors and patrol these large facilities. We take them for granted because we don't see them often directing traffic or arresting people, even though they do that. In fact, we know they are moments away from danger or terror at all times of the day.

That was recognized a few years ago when two of our finest were gunned down blocking an entrance to this building saving the life of the majority whip in the House of Representatives.

I appreciate the prayer of the Chaplain. These men and women do a remarkable job for the country.

All around the world today there are evil people who if they could figure a way to do damage to these representative buildings of this great democracy or to the people who work in them, would do whatever evil they could. But what keeps them from doing that is the Capitol Police force. They are well trained. We are now, in fact, working towards developing our own academies so these men and women can be trained in this area and not have to travel hundreds of miles away in Georgia to do their training.

There is no better trained police force any place in the world than the Capitol Police. Whatever the danger, whether it is a bomb threat, the need to call in a SWAT Team, or protecting the many dignitaries who come here, they do it, and they do it very well—without any fanfare and without seeking any glory or aggrandizement of any kind.

Again, I very much appreciate the prayer of the Chaplain today. I hope we will all join in recognizing the fine work done by the men and women of our Capitol Police force. Every day I see them I recognize they are there to protect me, my family, the people of this country, and these beautiful buildings in which we have the privilege of working.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to detail a heinous crime that occurred October 29, 1999 in Indianapolis, Indiana. A trio of men, while allegedly committing a series of robberies, broke into the apartment of two men. Convinced that the men were gay, the perpetrators forced the men to strip, tied them together, and tortured them with a hot iron. During the attack that lasted more than 30 minutes, both victims were burned repeatedly, kicked, beaten with a small baseball bat and other household items, and taunted with homophobic remarks. One of the victims was forced to drink a mixture of bleach and urine. The robbers also tried to burn the building down on their way out but later inexplicably returned, put out the fire, and gave some water to the man they made drink the bleach mixture. The robbers walked away from the scene after having stolen $6.

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.

IMPORTANCE OF THE SMALL BUSINESS ADMINISTRATION

Mr. KERRY. Mr. President, I speak today in strong support of the sense-of-the Senate resolution introduced by Chairman BOND and myself, recognizing the important role played by the Small Business Administration on behalf of the United States small business community. I am pleased to say that nearly every Senator on the Small Business Committee has cosponsored this important Resolution. I would like to thank Senators BURNS, LEVIN, BENNETT, HARKIN, SNOWE, LIEBERMAN, ENZI, WELLSTONE, CRAPO, CLELAND, ENSIGN, LANDRIEU, EDWARDS, and CANTWELL for showing their support for America's small businesses by cosponsoring this Resolution.

Mr. President, small businesses keep the U.S. economy moving. They are responsible for employing more than 52 percent of the private workforce; for generating more than 51 percent of the nation's gross domestic product; and are the principal source of new jobs. They were also responsible for helping to end the recession of the early 1990's, and with the right programs and assistance, will be a major factor in sustaining our current economy.

To help them achieve success, small businesses rely on a range of programs administered and monitored by the Small Business Administration (SBA), such as the Small Business Innovation Research Program (SBIR), the 7(a) Guaranteed Loan Program, the 8(a) Business Development Program, the Small Business Development Center and Women's Business Center Programs, and the New Markets Venture Capital Program. And these are just a few of the many initiatives that continue to receive widespread support from the Senate and House Committees on Small Business, as well as the Congress as a whole. Our resolution commends the SBA for their activities, and calls on the President to make every effort to strengthen and expand assistance to small business concerns through Federal programs.

SBA programs are relied upon to help restore economically depressed communities, spur technological innovation, provide access to capital, train entrepreneurs, monitor the procurement practices of Federal agencies, and ensure small businesses are heard when new regulations are being developed. Unfortunately, the SBA has received increasing responsibilities without the necessary increase in resources to do the job as effectively as possible.

To make the situation worse, the Bush administration's budget request for fiscal year 2002 is woefully inadequate and goes in the wrong direction. President Bush has consistently stated that the economy is in a period of economic decline, yet he has proposed limiting the resources available to our small businesses by cutting funding and charging additional fees for programs that create businesses and jobs, and help generate revenue for the American people.

Mr. President, I would like to commend Chairman BOND for working with me to pass an amendment to the budget resolution restoring many of the cuts initiated by the Bush administration. I am hopeful that our joint effort will be retained in the final budget. I also hope that by continuing to work in a bipartisan fashion on this critical issue, we can further increase SBA resources for the next fiscal year. The SBA deserves our continued support for its important work, and I urge my colleagues to support this resolution as well as sufficient resources for the SBA and America's small businesses.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 14, 2001, the Federal debt stood at $5,641,550,724,928.73, Five trillion, six hundred forty-one billion, five hundred fifty million, seven hundred twenty-four thousand, nine hundred twenty-eight dollars and seventy-three cents.

Five years ago, May 14, 1996, the Federal debt stood at $5,096,217,000,000, Five trillion, ninety-six billion, two hundred seventeen million.

Ten years ago, May 14, 1991, the Federal debt stood at $3,435,319,000,000, Three trillion, four hundred thirty-five billion, three hundred nineteen million.

Fifteen years ago, May 14, 1986, the Federal debt stood at $2,013,345,000,000, Two trillion, thirteen billion, three hundred forty-five million.

Twenty-five years ago, May 14, 1976, the Federal debt stood at $601,068,000,000, Six hundred one billion, sixty-eight million, which reflects a debt increase of more than $5 trillion, $5,040,482,724,928.73, Five trillion, forty billion, four hundred eighty-two million, seven hundred twenty-four thousand, nine hundred twenty-eight dollars and seventy-three cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN AND MARY JANE STOKESBERRY

● Mr. GRAHAM. Mr. President, I am pleased to have this opportunity to recognize the exemplary contributions of an extraordinary couple, John and Mary Jane Stokesberry of Miami, FL. Given John's significant impact on public policy development and implementation in the areas of gerontology and aging and Mary Jane's passion for teaching those with special educational needs, I know their joint retirement on June 30, 2001 will leave a void which will be difficult to fill.

John L. Stokesberry has to his credit over 30 years of administrative leadership in human service delivery in Florida. In his most recent public role, John has served as the Executive Director of the Alliance for Aging, Inc., the Area Agency on Aging for Miami-Dade and Monroe Counties in Florida. Through his compassionate and adept oversight, many seniors and developmentally challenged individuals have been provided the benefit of quality care and the timely provision of services.

Florida has long been a favored retirement destination for seniors who have worked hard throughout their lives. They are more than deserving of living out their days in dignity and with whatever comfort and respect we are able to provide. Consequently, in Florida, increasing attention and focus is being placed on aging issues. John L. Stokesberry's contributions in helping to chart Florida's course in this relatively new frontier have been pivotal. We have benefitted from his remarkable expertise, coalition building and advocacy for over three decades. Whether at the district or state administrative levels, his leadership has always been felt and has enhanced the mission of our state in meeting the needs of our seniors.

Mary Jane Stokesberry has worked at the Van E. Blanton Elementary School for 39 years and currently serves as the Chair of the Special Education Department. While instructing young people who have special needs can present unique challenges, Mary Jane's genuine warmth and patience has consistently led to the most positive development of her students. It came as no surprise when she was formerly designated as a Regional Teacher of the Year. Though many of her former students are now adults, I am sure they would agree that Mary Jane has left an indelible mark on their lives. Through her exceptional legacy, I am reminded of the proverb, ''if you give a child a fish you feed them for a day; if you teach a child how to fish, you feed them for a lifetime.'' Mary Jane has fed countless children for a lifetime.

For these reasons, I am proud to join the chorus of other voices in Florida and Miami-Dade County who extend to John and Mary Jane Stokesberry best wishes on the occasion of their retirements. I congratulate them today and wish for them many more productive and healthy years.●

TRIBUTE TO PERRY COMO

● Mr. SANTORUM. Mr. President, I would like to celebrate the life, and commemorate the death of an American cultural icon from the Commonwealth of Pennsylvania, Perry Como.

On May 18, 1912, Pierino Roland Como was born in Canonsburg, PA, the seventh of thirteen children to Italian immigrants. Pierino, who would become known to the world as Perry, would lead a life which was the American dream personified. He began working as a barber's apprentice in Canonsburg at the age of eleven to help provide for his family. It is reported that Mr. Como's illustrious singing career developed by singing to patrons in his own barber shop which he opened by fourteen. The baritone voice, which would become famous throughout the world, was soon discovered by a band traveling through his steel town and he began his career as an entertainer. In 1933, Mr. Como married his childhood sweetheart, Roselle Beline, who told him he could open another barber shop if his singing career failed. His career did not fail, nor did their marriage which lasted until Roselle's death in 1998.

Perry Como's singing and performing career spanned six decades and during that period he sold over 100 million records. Twenty-seven of his albums went gold, while fourteen singles reached number one on the charts. In 1945, ''Till the End of Time'' became the first single to sell more than one million records. After his great success in record sales in the 1940's, 50's and 60's, his career evolved into that of a television star. From 1948 to 1963, Perry Como was a fixture in American homes as a pioneer of the variety show format. He won acclaim for his performances including 5 Emmy awards. He also won Peabody and Golden Mike awards during his career. And in 1987 Mr. Como was presented a Kennedy Center Honor for outstanding achievement in the performing arts by President Ronald Reagan.

Mr. Como's fame was worldwide and lasting. The BBC reports that he had twelve top ten hits in Britain, over twenty years. His Christmas broadcasts, for which, perhaps, he was most famous, were broadcast from around the globe over the years, including Israel, Paris, and London. A Roman Catholic, he reached Protestants and Catholics alike through his renditions of ''Ave Maria'' and ''The Lord's Prayer.'' He sang ''Kol Nidre'' each year on his television program in observance of Yom Kippur. Mr. Como also made many fans in Japan, where his variety shows had unique success. Perry Como continued to perform for fans in the United States well into his eighties.

It is with great humility that I ask this body to remember an American cultural icon on the occasion of his passing. I hope and pray that future generations of Americans will use Perry Como's example of dignity and decency in conducting their personal and professional lives.●

STOCKDALE HIGH SCHOOL REPRESENTS CALIFORNIA IN THE WE THE PEOPLE NATIONAL COMPETITION

● Mrs. FEINSTEIN. Mr. President, I rise today to recognize the achievements of students from Stockdale High School for winning an honorable mention in the We the People..The Citizen and the Constitution national competition. These outstanding students from Bakersfield, CA competed against 49 other classes from across the country and demonstrated a vast knowledge of the U.S. Constitution and American democracy. Their accomplishments are a

reflection of their hard work and preparation for this prestigious event.

On April 21–23, 2001, hundreds of young people ascended on our Nation's Capital to participate in the We the People national finals. This exciting competition is administered by the Center for the Civic Education to educate students on the history and principles of American constitutional government. Reaching more than 26 million students nationwide, We the People introduces elementary, middle, and high school students to the intricacies of our government and encourages them to contribute actively to the political process throughout their lives.

I can think of no better way to ensure that this country has competent citizens and future leaders than to encourage more of our Nation's youth to participate in programs such as this one. I am particularly proud of the accomplishments of the Stockdale High School class and encourage these students to be ever vigilant in their future endeavors to learn about and foster our democracy.●

TRIBUTE TO GEORGE CROMBIE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to George Crombie of Nashua, NH, for being named as the 2001 recipient of the Charles Walter Nichols Award. This award was established to recognize outstanding and meritorious achievement in the environmental field.

George serves as the Director of Public Works for the City of Nashua, NH, and manages the full service public works division which services a population of 85,000 residents. His experience in environmental and public works management have enhanced the quality of life for residents in Nashua.

George has served as Public Works Director in Durham, NH, and Burlington, VT. He has also served as undersecretary of Environmental Affairs for the Commonwealth of Massachusetts. A strong coalition builder, George has guided numerous environmental and public projects through development in our state.

He received a Bachelors Degree from the University of New Hampshire and a Master of Public Administration Degree from Northeastern University. George is a past President of the New England Public Works Association and has been honored as the chapter's Man of the Year.

George and his wife, Jacqueline, have three children: Jill, Jack and Jane. He serves on several professional boards including: American Public Works Association, Water Pollution Control Federation, New England Chapter of the American Public Works Association and the New Hampshire Good Roads Association.

George Crombie is a tribute to his community and profession. As Chairman of the Environment and Public Works Committee it is an honor to work with George on issues important to the City of Nashua. His dedicated service to the citizens of Nashua and New Hampshire is to be commended. It is an honor and a privilege to represent him in the U.S. Senate.●

BUENO FOODS 50TH ANNIVERSARY

● Mr. DOMENICI. Mr. President, I rise today to pay tribute to a family-owned business in my home State of New Mexico, which is not only a staple and generous partner in the community, but has grown to be one of the largest Hispanic-owned businesses in the United States. This company, Bueno Foods, this week celebrates its Golden Anniversary—50 years of producing premiere New Mexican food products. The company, housed in Albuquerque's South Valley, is a pride for the community.

Started back in 1951, the company provided the means for the Baca brothers, Joe, Ray and Augustine, to provide for themselves, their family, and improve their community. In the years after World War II, the Baca brothers first opened a grocery store that prospered until supermarket chains started to infiltrate the Albuquerque market. The brothers realized that in order to stay in business for themselves, they needed a new direction. So they expanded their business by featuring the traditional New Mexican recipes of their mother, Filomena. Their company became the first commercial producer of flame-roasted, fresh frozen green chile. Today the name ''Bueno Foods'' is synonymous with that frozen green chile.

Since those days, the company has grown from a company with five employees to one with 240 workers. Still family run by the Baca family, its purpose has not only been to provide high-quality, authentic products, but also good jobs and active community involvement. Even with its large growth, the company has kept its roots and main plant in the South Valley, a historic and proud part of Albuquerque.

Throughout the years, Bueno has remained true to its core values and beliefs that center around making people's lives better through jobs and opportunity, and contributing to the community. Bueno donates part of its profits to charities and scholarships, and every Christmas helps to provide food and clothing to the needy.

As Bueno Foods turns 50, it is celebrating its golden anniversary in a way that continues to epitomize those values. The company has teamed up with several organizations to host a 4-day fiesta for the South Valley's Barelas community, where the Bacas were born and started their small business. My congratulations go to Bueno Foods president, Jacqueline Baca, the other members of the Baca family who continue the legacy of the Baca brothers, and all their employees. I encourage my colleagues to join me in saluting this company's success and its commitment to the Hispanic entrepreneurial and community spirit.●

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 or May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2001.*

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing and Urban Affairs.

To the Congress of the United States:

Section 202(s) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the president publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2001. The most recent notice continuing this emergency was published in the *Federal Register* on May 19, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 15, 2001.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 872. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal

Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

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–1837. A communication from the Acting Deputy Under Secretary of Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Business Enterprise Grants and Television Demonstration Grants'' received on May 14, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1838. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''North Dakota Regulatory Program'' (ND–040–FOR) received on May 14, 2001; to the Committee on Energy and Natural Resources.

EC–1839. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal-Aid Agreement'' (RIN2125–AE77) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1840. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the NAAQS for PM–10 in the Weirton, West Virginia Nonattainment Area'' (FRL6979) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1841. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL6980–8) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1842. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Nitrogen Oxides Budget Trading Program'' (FRL6981–4) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1843. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Effective Date Modification for the Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois'' (FRL6980–7) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1844. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law , a report relative to a transaction involving U.S. exports to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–1845. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Doc. No. FEMA–7761) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1846. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP); Letter of Map Revision and Letter of Map Revision Based on Fill Requests'' (RIN3067–AD13) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1847. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Doc. No. FEMA–7320) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1848. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Doc. No. FEMA–D–7503) received on May 14, 2001; to the Committee on Banking , Housing, and Urban Affairs.

EC–1849. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Applicability of Section 23A of the Federal Reserve Act to loans and Extensions of Credit made by a member bank to a third party'' (R–1016) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1850. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Applicability of Section 23A of the Federal Reserve Act to the Purchase of Securities from Certain Affiliates'' (R–1015) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1851. A communication from the Secretary of the Division of Market Research, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Definition of Terms in a Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934'' (RIN3235–AI19) received on May 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1852. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Criteria for Submitting Supplemental Practice Expense Survey Data'' (RIN0938–AK14) received on May 14, 2001; to the Committee on Finance.

EC–1853. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Home and Community Based Services'' (RIN0938–AI67) received on May 14, 2001; to the Committee on Finance.

EC–1854. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare, Medicaid, and CLIA Programs; Extension of Certain Effective Dates for Clinical Laboratory Requirements Under CLIA'' (RIN0938–AI94) received on May 14, 2001; to the Committee on Finance.

EC–1855. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Child Support Enforcement Program; Incentive Payments, Audit Penalties'' (RIN0970–AB85) received on May 14, 2001; to the Committee on Finance.

EC–1856. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Medical Support Notice'' (RIN0970–AB97) received on May 14, 2001; to the Committee on Finance.

EC–1857. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Self-Assessment Review and Report'' (RIN0970–AB96) received on May 14, 2001; to the Committee on Finance.

EC–1858. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''High Performance Bonus'' (RIN0970–AC06) received on May 14, 2001; to the Committee on Finance.

EC–1859. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Additional Supplier Standards'' (RIN0938–AH19) received on May 14, 2001; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

James J. Jochum, of Virginia, to be an Assistant Secretary of Commerce.

John E. Robson, of California, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2005.

(The above nominations were reported with the recommendations that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. INHOFE:

S. 878. A bill to amend the Internal Revenue Code of 1986 to prorate the heavy vehicle use tax between the first and subsequent purchasers of the same vehicle in one taxable period; to the Committee on Finance.

By Mr. SANTORUM:

S. 879. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. DEWINE (for himself and Mrs. LINCOLN):

S. 880. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 881. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mrs. MURRAY, Ms. COLLINS, and Mr. SARBANES):

S. 882. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 883. A bill to ensure the energy self-sufficiency of the United States by 2011, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mrs. HUTCHISON):

S. 884. A bill to improve port-of-entry infrastructure along the Southwest border of the United States, to establish grants to improve port-of-entry facilities, to designate a port-of-entry as a port technology demonstration site, and for other purposes; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. CLELAND, and Mr. MILLER):

S. 885. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program; to the Committee on Finance.

By Mr. WELLSTONE:

S. 886. A bill to establish the Katie Poirier Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 887. A bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 888. A bill to amend the Internal Revenue Code of 1986 to provide assistance to students and families coping with the costs of higher education, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. BREAUX, and Mr. JEFFORDS):

S. 889. A bill to protect consumers in managed care plans and in other health coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DEWINE, and Mr. CARPER):

S. 890. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement; to the Committee on the Judiciary.

By Mr. DODD:

S. 891. A bill to amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 892. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. TORRICELLI (for himself, Mr. HELMS, and Mr. MURKOWSKI):

S. Res. 89. A resolution expressing the sense of the Senate welcoming Taiwan's President Chen Shui-bian to the United States; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 117

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 117, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 170

At the request of Mr. REID, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 217

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 281

At the request of Mr. HAGEL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Nevada (Mr. ENSIGN) 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. 311

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 345

At the request of Mr. ALLARD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 421

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 421, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 442

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 442, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 562

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 562, a bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens.

S. 587

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 694

At the request of Mr. BENNETT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic,

or scholarly compositions created by the donor.

S. 723

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 769

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 769, a bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change.

S. 794

At the request of Mr. THOMPSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 829

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 845

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource.

S. 866

At the request of Mr. REID, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 88

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 88, a resolution expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission.

S. CON. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution to designate a National Day of Reconciliation.

S. CON. RES. 37

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes.

AMENDMENT NO. 378

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 378.

AMENDMENT NO. 564

At the request of Mr. BYRD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 564.

AMENDMENT NO. 640

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 640.

AMENDMENT NO. 648

At the request of Mr. HELMS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 648.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 878. A bill to amend the Internal Revenue Code of 1986 to prorate the heavy vehicle use tax between the first and subsequent purchasers of the same vehicle in one taxable period; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to talk about a bill that will help many truck-drivers across the country. As we all know, the trucking industry has incurred an incredible cost increase in recent years due to higher fuel prices and other taxes. One of my constituents, Phillip Parks, has felt this tremendous financial burden and, as a result, sold his truck and got out of the business altogether.

The heavy vehicle use tax is one tax many truck drivers, like Mr. Parks, are required to pay each year. Under the current IRS code, when a vehicle over 75,000 pounds is purchased and driven over 5,000 miles, the owner must pay a $550 heavy-use tax. However, if the owner sells the vehicle in the same year, he or she is unable to receive a refund on this tax, while the person buying the vehicle does not have to pay the tax during that year since it has already been paid. This is what happened to Mr. Parks.

My bill will not only make this tax more fair, but will provide some much-needed relief for people who wish to sell their trucks within the same year they bought them. The Heavy Vehicle Use Tax Equity Act will require the purchaser to pay a prorated tax on the vehicle, while the person selling it will receive a refund for the portion of the tax relative to the time in which they owned it.

I am pleased to introduce this bill that will help make our complex tax code more equitable while putting money back into the hands of hard-working Americans, like Phillip Parks of Stillwell, OK.

By Mr. SANTORUM:

S. 879. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

Mr. SANTORUM. 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. 879

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 ''Cosmetology Tax Fairness and Compliance Act of 2001''.

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

''(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

''(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.''

(b) DEFINITION OF COSMETOLOGY SERVICE.—Section 45B of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

''(1) hairdressing,

''(2) haircutting,

''(3) manicures and pedicures,

''(4) body waxing, facials, mud packs, wraps, and other similar skin treatments, and

''(5) any other beauty related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received for services performed after December 31, 2001.

SEC. 3. INFORMATION REPORTING AND TAXPAYER EDUCATION FOR PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050S the following new section:

''SEC. 6050T. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

''(a) IN GENERAL.—Every person (referred to in this section as a 'reporting person') who—

''(1) employs 1 or more cosmetologists to provide any cosmetology service,

''(2) rents a chair to 1 or more cosmetologists to provide any cosmetology service on at least 5 calendar days during a calendar year, or

''(3) in connection with its trade or business or rental activity, otherwise receives compensation from, or pays compensation to, 1 or more cosmetologists for the right to provide cosmetology services to, or for cosmetology services provided to, third-party patrons,

shall comply with the return requirements of subsection (b) and the taxpayer education requirements of subsection (c).

''(b) RETURN REQUIREMENTS.—The return requirements of this subsection are met by a reporting person if the requirements of each of the following paragraphs applicable to such person are met.

''(1) EMPLOYEES.—In the case of a reporting person who employs 1 or more cosmetologists to provide cosmetology services, the requirements of this paragraph are met if such person meets the requirements of sections 6051 (relating to receipts for employees) and 6053(b) (relating to tip reporting) with respect to each such employee.

''(2) INDEPENDENT CONTRACTORS.—In the case of a reporting person who pays compensation to 1 or more cosmetologists (other than as employees) for cosmetology services provided to third-party patrons, the requirements of this paragraph are met if such person meets the applicable requirements of section 6041 (relating to returns filed by persons making payments of $600 or more in the course of a trade or business), section 6041A (relating to returns to be filed by service-recipients who pay more than $600 in a calendar year for services from a service provider), and each other provision of this subpart that may be applicable to such compensation.

''(3) CHAIR RENTERS.—

''(A) IN GENERAL.—In the case of a reporting person who receives rent or other fees or compensation from 1 or more cosmetologists for use of a chair or for rights to provide any cosmetology service at a salon or other similar facility for more than 5 days in a calendar year, the requirements of this paragraph are met if such person—

''(i) makes a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such cosmetologist and the amount received from each such cosmetologist, and

''(ii) furnishes to each cosmetologist whose name is required to be set forth on such return a written statement showing—

''(I) the name, address, and phone number of the information contact of the reporting person,

''(II) the amount received from such cosmetologist, and

''(III) a statement informing such cosmetologist that (as required by this section), the reporting person has advised the Internal Revenue Service that the cosmetologist provided cosmetology services during the calendar year to which the statement relates.

''(B) METHOD AND TIME FOR PROVIDING STATEMENT.—The written statement required by clause (ii) of subparagraph (A) shall be furnished (either in person or by first-class mail which includes adequate notice that the statement or information is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under clause (i) of subparagraph (A) is to be made.

''(c) TAXPAYER EDUCATION REQUIREMENTS.—In the case of a reporting person who is required to provide a statement pursuant to subsection (b), the requirements of this subsection are met if such person provides to each such cosmetologist annually a publication, as designated by the Secretary, describing—

''(1) in the case of an employee, the tax and tip reporting obligations of employees, and

''(2) in the case of a cosmetologist who is not an employee of the reporting person, the tax obligations of independent contractors or proprietorships.

The publications shall be furnished either in person or by first-class mail which includes adequate notice that the publication is enclosed.

''(d) DEFINITIONS.—For purposes of this section—

''(1) COSMETOLOGIST.—

''(A) IN GENERAL.—The term 'cosmetologist' means an individual who provides any cosmetology service.

''(B) ANTI-AVOIDANCE RULE.—The Secretary may by regulation or ruling expand the term 'cosmetologist' to include any entity or arrangement if the Secretary determines that entities are being formed to circumvent the reporting requirements of this section.

''(2) COSMETOLOGY SERVICE.—The term 'cosmetology service' has the meaning given to such term by section 45B(c).

''(3) CHAIR.—The term 'chair' includes a chair, booth, or other furniture or equipment from which an individual provides a cosmetology service (determined without regard to whether the cosmetologist is entitled to use a specific chair, booth, or other similar furniture or equipment or has an exclusive right to use any such chair, booth, or other similar furniture or equipment).

''(e) EXCEPTIONS FOR CERTAIN EMPLOYEES.—Subsection (c) shall not apply to a reporting person with respect to an employee who is employed in a capacity for which tipping (or sharing tips) is not customary.''

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of such Code (relating to the definition of information returns) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively and by inserting after clause (x) the following new clause:

''(xi) section 6050T(a) (relating to returns by cosmetology service providers).''

By Mr. DEWINE (for himself and Mrs. LINCOLN):

S. 880. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Mr. President, I rise today to introduce a bill with my colleague, Senator LINCOLN, to help those with End Stage Renal Disease, ESRD, who receive Medicare-eligible kidney transplants. Our bill would help these patients maintain access to life-saving drugs needed to prevent their immune systems from rejecting their new organs.

With each kidney that is successfully transplanted, a gift of new life is given to the recipient. This precious gift should not be jeopardized simply because the recipient is unable to pay for the immunosuppressive drugs that help ensure that his or her immune system does not reject the new organ. It defies common sense for Medicare to cover expensive kidney transplant operations, but not cover the drugs necessary to preserve the transplanted organ.

I would like to thank my colleagues for supporting the passage of most of the bill that I introduced last Congress—S. 631—which was passed as part of the Medicare Benefits and Improvement Protection Act, BIPA. This law eliminated the 36-month time limitation for Medicare coverage of immunosuppressive medications for transplant recipients who (1) received a Medicare transplant and (2) have Medicare-age or disability status. However, transplant recipients whose Medicare eligibility is based solely on their End Stage Renal Disease, ESRD, status did not qualify for the extended coverage under BIPA and remain limited to coverage for 36 months post-transplant.

The bill we are introducing today simply would eliminate the 36-month time limitation for Medicare immunosuppressive drug coverage for the population that was not covered under last year's BIPA provision. Under current law, an individual with ESRD retains his or her Medicare coverage for all medical needs for 36 months post-transplant. This bill would eliminate the 36-month time limitation for the purpose of paying for the immunosuppressive drugs only—all other Medicare coverage, including that related to other post-transplant needs, would cease after 36 months, as under current law.

A 1999 Institute of Medicine, IOM, study estimated the cost of providing indefinite coverage of all Medicare-covered kidney transplants at $848 million over five years. The IOM estimate of eliminating the time limitation for Medicare-aged and disabled transplant recipients only, covered under BIPA, was $566 million over five years. This represents a difference of only $282 million over five years to cover the rest of the ESRD population.

Furthermore, our bill would make Medicare the secondary payer after 36 months for beneficiaries who do not have Medicare-age or disability status, which the IOM report did not consider. Recipients covered by our bill would be subject to the same Part B premium, deductible, and coinsurance that other beneficiaries pay to receive full Part B coverage.

Medicare will pay for another transplant (average cost is $100,000) or dialysis, annual cost is more than $50,000, if a transplant fails. It makes far better sense from an economic and social perspective to extend Medicare coverage for the anti-rejection medications especially at a time when the number of people waiting for a kidney transplant in this country exceeds 48,000 people.

I urge my colleagues to support our bill and help those who receive Medicare-eligible transplants gain access to the immunosuppressive drugs they need to prevent their bodies from rejecting transplanted kidneys.

This legislation is supported by the National Kidney Foundation, the American Society of Transplantation, the American Society of Pediatric Nephrology, the North American Transplant Coordinators Organization, LifeCenter, the Association of Organ Procurement Organizations, the American Kidney Fund, and the Polycystic Kidney Disease Foundation.

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. 880

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 ''Immunosuppressive Drug Coverage Act of 2001''.

SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.—

(1) IN GENERAL.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) APPLICATION.—In the case of an individual whose eligibility for benefits under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has ended except for the coverage of immunosuppressive drugs by reason of the amendment made by paragraph (1), the following rules shall apply:

(A) The individual shall be deemed to be enrolled in part B of the original medicare fee-for-service program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) for purposes of receiving coverage of such drugs.

(B) The individual shall be responsible for the full part B premium under section 1839 of such Act (42 U.S.C. 1395r) in order to receive such coverage.

(C) The provision of such drugs shall be subject to the application of—

(i) the part B deductible under section 1833(b) of such Act (42 U.S.C. 13951(b)); and

(ii) the coinsurance amount applicable for such drugs (as determined under such part B).

(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under such part B.

(3) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary of Health and Human Services shall establish procedures for—

(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of the amendment made by paragraph (1); and

(B) distinguishing such beneficiaries from beneficiaries that are enrolled under part B of title XVIII of the Social Security Act for the complete package of benefits under such part.

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Immunosuppressive Drugs Coverage Act of 2001, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2001, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2707)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2001, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of Immunosuppressive drugs.''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of immunosuppressive drugs.'';

and

(2) by inserting after section 9812 the following:

''SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Immunosuppressive Drug Coverage Act of 2001, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2002.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 881. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Finance.

Mr. HATCH. Mr. President, today, my good friend and colleague, Senator BIDEN, and I are introducing legislation we have drafted to help ease the burden of those whose husband or wife or father or mother was a public safety officer and has made the ultimate sacrifice and died while protecting the citizens of this Nation. I am speaking of the families of law enforcement officers, firefighters, and rescue squad or ambulance crew members who have lost a loved one in the line of duty.

The Hatch-Biden bill we introduce in the Senate today, the Fallen Hero Survivor Benefit Fairness Act of 2001, is designed to make annuity benefits for survivors of public safety officers killed in the line of duty tax free, so long as the annuity is provided under a governmental plan to the surviving spouse or to the child of the deceased officer.

In the Taxpayer Relief Act of 1997, Congress took an important step in showing our appreciation for this country's fallen heroes by exempting from taxation survivor benefits for those killed in the line of duty after December 31, 1996. This change has undoubtedly made a significant difference to many such surviving families.

But what about the families of fallen heroes who died before that date? Should not their government-provided survivor annuities be tax-free as well? Of course they should.

This bill provides tax equity for those survivors receiving annuities for officers who died on or before December 31, 1996. We must make this tax-free treatment available for all survivors of peace officers who gave their lives to make this great country a

safer place for us all to live. The tax correction in this bill would not be retroactive. Rather, it provides that payments from a qualified survivor annuity received after December 31, 2001, would qualify for tax-free treatment, even if the peace officer was killed prior to the effective date of the Taxpayer Relief Act of 1997 provision.

We are not talking about a great deal of money here. The Joint Committee on Taxation estimates this correction would result in about $5 million per year in lost revenue or a total cost of $46 million over 10 years. This is not a high price to pay to show this country's gratitude for the service these men and women who are public safety officers perform each day when they leave their homes, the risks they take, and for the ultimate sacrifice some of them have made.

Last week, the House Committee on Ways and Means approved identical legislation to correct this problem, and I am told the bill is coming before the entire House for a vote today. Mr. President, this week (May 13–19, 2001) is National Police Week. Although it does not begin to pay our debt to these men and women and their survivors, I cannot think of a better way to honor those public service officers who have died in the line of duty than to pass bills like this one that recognize their sacrifices and attempt to help their survivors with their burdens. I hope our colleagues will join us in cosponsoring this bill and in passing this legislation this week.

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

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

S. 881

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fallen Hero Survivor Benefit Fairness Act of 2001''.

SEC. 2. CONSISTENT TREATMENT OF SURVIVOR BENEFITS FOR PUBLIC SAFETY OFFICERS KILLED IN THE LINE OF DUTY.

Subsection (b) of section 1528 of the Taxpayer Relief Act of 1997 (Public Law 105–34) is amended by striking the period and inserting '', and to amounts received in taxable years beginning after December 31, 2001, with respect to individuals dying on or before December 31, 1996.''.

By Ms. MIKULSKI (for himself, Ms. SNOWE, Mrs. MURRAY, Ms. COLLINS, and Mr. SARBANES):

S. 882. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to my constituents in Maryland and very important to the people of the United States of America.

For the fourth Congress in a row, I am joining in a bipartisan effort with my friend and colleague, Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I are introducing the Social Security Family Protection Act. This bill addresses retirement security and family security. We want the middle class of this Nation to know that we are going to give help to those who practice self-help.

What is it I am talking about? I was shocked when I found out that Social Security does not pay benefits for the last month of life. If a Social Security retiree dies on the 18th of the month or even on the 30th of the month, the surviving spouse or family members must send back the Social Security check for that month.

I think that is an harsh and heartless rule. That individual worked for Social Security benefits, earned those benefits, and paid into the Social Security trust fund. The system should allow the surviving spouse or the estate of the family to use that Social Security check for the last month of life.

This legislation has an urgency. When a loved one dies, there are expenses that the family must take care of. People have called my office in tears. Very often it is a son or a daughter that is grieving the death of a parent. They are clearing up the paperwork for their mom or dad, and there is the Social Security check. And they say, 'Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, mom's rent, or her mortgage, or health expenses. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?'

With all the problems in our country today, we ought to be going after drug dealers and tax dodgers, not honest people who have paid into Social Security, and not the surviving spouse or the family who have been left with the bills for the last month of their loved one's life. They are absolutely right when they call me and say that Social Security was supposed to be there for them.

I've listened to my constituents and to the stories of their lives. What they say is this: ''Senator MIKULSKI, we don't want anything for free. But our family does want what our parents worked for. We do want what we feel we deserve and what has been paid for in the trust fund in our loved one's name. Please make sure that our family gets the Social Security check for the last month of our life.''

That is what our bill is going to do. That is why Senator Snowe and I are introducing the Family Social Security Protection Act. When we talk about retirement security, the most important part of that is income security. And the safety net for most Americans is Social Security.

We know that as Senators we have to make sure that Social Security remains solvent, and we are working to do that. We also don't want to create an undue administrative burden at the Social Security Administration—a burden that might affect today's retirees. But it is absolutely crucial that we provide a Social Security check for the last month of life.

How do we propose to do that? We have a very simple, straightforward way of dealing with this problem. Our legislation says that if you die before the 15th of the month, you will get a check for half the month. If you die after the 15th of the month, your surviving spouse or the family estate would get a check for the full month.

We think this bill is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in family values. We believe you honor your father and your mother. We believe that it is not only a good religious and moral principle, but it is good public policy as well.

The way to honor your father and mother is to have a strong Social Security System and to make sure the system is fair in every way. That means fair for the retiree and fair for the spouse and family. We strongly feel that the current system is an injustice to spouses and families across the Nation. Just because a beneficiary passes away, it does not mean that their bills can go unpaid. Join us to correct this policy and to ensure that families and recipients are protected during this difficult time. That is why we support making sure that the surviving spouse or family can keep the Social Security check for the last month of life.

We urge our colleagues to join us in this effort and support the Social Security Family Protection Act.

By Mr. DODD:

S. 883. A bill to ensure the energy self-sufficiency of the United States by 2011, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DODD. 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 printed in the RECORD, as follows:

S. 883

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 ''Energy Independence Act of 2001''.

SEC. 2. DOMESTIC ENERGY SELF-SUFFICIENCY PLAN.

(a) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall develop and submit to Congress a strategic plan to ensure that the United States is energy self-sufficient by the year 2011.

(2) RECOMMENDATIONS.—The plan developed under paragraph (1) shall include recommendations for legislative and regulatory actions needed to achieve the goal of the plan described in that paragraph.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 3. FEDERAL GOVERNMENT FUEL CELL PILOT PROGRAM.

(a) PROGRAM.—The Secretary of Energy shall establish a program for the acquisition, for use at federally owned or operated facilities, of—

(1) not to exceed 100 commercially available 200 kilowatt fuel cell power plants;

(2) not to exceed 20 megawatts of power generated from commercially available fuel cell power plants; or

(3) a combination of the power plants described in paragraphs (1) and (2).

(b) FUNDING.—The Secretary shall provide funding and any other necessary assistance for the purchase, site engineering, installation, startup, training, operation, and maintenance costs associated with the acquisition of the power plants under subsection (a).

(c) DOMESTIC ASSEMBLY.—All fuel cell systems and fuel cell stacks in power plants acquired, or from which power is acquired, under subsection (a) shall be assembled in the United States.

(d) SITE SELECTION.—In the selection of a federally owned or operated facility as a site for the location of a power plant acquired under this section, or as a site to receive power acquired under this section, priority shall be given to a site with 1 or more of the following attributes:

(1) A location in an area classified as a nonattainment area under title I of the Clean Air Act (42 U.S.C. 7401 et seq.).

(2) Computer or electronic operations that are sensitive to power supply disruptions.

(3) A need for a reliable, uninterrupted power supply.

(4) A remote location or other factors requiring off-grid power generation.

(5) Critical manufacturing or other activities that support national security efforts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $140,000,000 for the period of fiscal years 2002 through 2004.

SEC. 4. PROTON EXCHANGE MEMBRANE DEMONSTRATION PROGRAMS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The President, in coordination with the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Housing and Urban Development, shall establish a program for the demonstration of fuel cell proton exchange membrane technology in the areas of responsibility of those Secretaries with respect to commercial, residential, and transportation applications, including buses.

(2) FOCUS.—The program established under paragraph (1) shall focus specifically on promoting the application of, and improving manufacturing production and processes for, proton exchange membrane fuel cell technology.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $140,000,000 for the period of fiscal years 2002 through 2004.

(b) BUS DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The President, in coordination with the Secretary of Energy and the Secretary of Transportation, shall establish a comprehensive proton exchange membrane fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications.

(2) COMPONENTS.—The program established under paragraph (1) shall—

(A) cover all aspects of the introduction of proton exchange membrane fuel cells; and

(B) include provisions for—

(i) the development, installation, and operation of a hydrogen delivery system located on-site at transit bus terminals;

(ii) the development, installation, and operation of—

(I) on-site storage associated with the hydrogen delivery systems; and

(II) storage tank systems incorporated into the structure of a transit bus;

(iii) the demonstration of the use of hydrogen as a practical, safe, renewable energy source in a highly efficient, zero-emission power system for buses;

(iv) the development of a hydrogen proton exchange membrane fuel cell power system that is confirmed and verified as being compatible with transit bus application requirements;

(v) durability testing of the fuel cell bus at a national testing facility;

(vi) the identification and implementation of necessary codes and standards for the safe use of hydrogen as a fuel suitable for bus application, including the fuel cell power system and related operational facilities;

(vii) the identification and implementation of maintenance and overhaul requirements for hydrogen proton exchange membrane fuel cell transit buses; and

(viii) the completion of a fleet vehicle evaluation program by bus operators along normal transit routes to provide equipment manufacturers and transit operators with the necessary analyses to enable operation of the hydrogen proton exchange membrane fuel cell bus under a range of operating environments.

(3) DOMESTIC ASSEMBLY.—All fuel cell systems and fuel cell stacks in power plants acquired, or from which power is acquired, under paragraph (1) shall be assembled in the United States.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $150,000,000 for the period of fiscal years 2002 through 2004.

SEC. 5. FEDERAL VEHICLES.

(a) IN GENERAL.—The head of each agency of the Federal Government that maintains a fleet of motor vehicles shall develop, implement by not later than October 1, 2006, and carry out through September 30, 2011, a plan for a transition of the fleet to vehicles powered by fuel cell technology.

(b) REQUIREMENTS OF PLAN.—A plan developed under subsection (a) shall—

(1) incorporate and build on the results of completed and ongoing Federal demonstration programs, including the program established under section 4; and

(2) include additional demonstration programs and pilot programs as the head of the applicable agency determines to be necessary to test or investigate available technologies and transition procedures.

SEC. 6. LIFE-CYCLE COST BENEFIT ANALYSIS.

Any life-cycle cost benefit analysis carried out by a Federal agency under this Act that concerns an investment in a product, a service, construction, or any other project shall include an analysis of environmental and power reliability factors.

SEC. 7. STATE AND LOCAL GOVERNMENT INCENTIVES.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall establish a program for to make grants to State or local governments for the use of fuel cell technology in meeting energy requirements of the State or local governments, including the use of fuel cell technology as a source of power for motor vehicles.

(2) COST SHARING.—The Federal share of the cost of any project or activity funded with a grant under this section shall not exceed 90 percent.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $110,000,000 for each of fiscal years 2002 through 2006.

By Mr. DOMENICI (for himself and Mrs. HUTCHISON):

S. 884. A bill to improve port-of-entry infrastructure along the Southwest border of the United States, to establish grants to improve ports-of-entry facilities, to designate a port-of-entry as a port technology demonstration site, and for other purposes; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce the Southwest Border Port-of-Entry Infrastructure Improvement Act. The Southwest border region has been ignored for far too long, and as a result, has lagged behind the rest of the Nation in many areas. Poor health and environmental quality, inadequate infrastructure, and fewer technological and educational resources are common facts of life along much of the Southwest Border.

Last year, the U.S.-Mexico Border had a population of 12.6 million. By 2020, the region will have more than 21 million residents. That means that the southwest border region is growing at more than twice the national average and 40 percent faster than the U.S.'s fastest growing states.

And what has been the engine of this tremendous growth? Trade. When the North American Free Trade Agreement came into effect in 1994, U.S.-Mexico trade totaled $100 billion. In 1999 trade between the two countries accounted for $197 billion, a near doubling in only 5 years.

Unfortunately, we have failed to invest in the Southwest Border to accommodate this tremendous growth. In 1999, eighty-six percent of U.S-Mexico trade was transported across the border by trucks. Yet, rather than promote a system where trade can flourish, we have congested traffic lanes where drivers have to wait three even 5 hours before crossing the border.

These lines include all manner of people and industry, from a truck filled with auto parts en route to Detroit to hungry tourists wanting an authentic taco to service employees who live in Mexico and work in the United States. The effect of these unnecessary traffic backlogs is two-fold.

First, significant delays at our nation's ports-of-entry along the Southwest Border results in inefficient trade. This works at cross purposes with ''just in time delivery.''

A primary reason that U.S.-Mexico trade has increased so dramatically is that the border allows companies to benefit from ''just in time'' delivery. Using ''just in time,'' firms eliminate warehousing and preservation costs, resulting in lower prices and more efficient delivery.

Primary producers, intermediary companies, downstream retailers, and customers all rely on the timely delivery of goods and services. But huge backlogs makes ''just-in-time'' delivery more like delivery ''some time.'' When delivery times increase or are uncertain, associated costs increase for everyone down the product and user chain.

Second, long traffic backlogs detrimentally affect the people who live along the Southwest Border.

A study by the Environmental Protection Agency concluded that, ''the border's health conditions and risks * * * are among the most troubling and the most serious in the United States.

Health and environmental problems seem to be most prevalent in poverty stricken areas. The Southwest Border is one of the poorest regions in the nation. In fact, nearly 27 percent of New Mexico's Dona Ana County live below the poverty line, double the national average, and other counties along the border are even worse off. For example, 40 percent of Maverick County, Texas' population live below the poverty level.

We cannot continue to focus on the increased wealth the Nation enjoys from trade while ignoring the burden that trade imposes on border residents.

Long backlogs at ports-of-entry along the Southwest Border creates a substantial hardship on the people in the region. The EPA report concluded that the border disproportionately suffers from serious health threats due, in part, to airborne pollutants from vehicle emissions.

Increased trade means ever increasing vehicle emissions. A recent study by the North American Commission for Environmental Cooperation found that truck traffic increases 8.6 percent per year. An 8.6 percent increase means that by 2020, commodity truck flows will be 5.5 times greater than 1999 levels.

That study never considered the recent NAFTA arbitration panel ruling that the U.S.'s policy prohibiting Mexican trucks beyond twenty miles from the border violates the trade agreement.

I would like the U.S. to promote trade so that the entire Nation's economy continues to grow. Yet, we need to act pro-actively with foresight and responsible planning so that the Southwest Border infrastructure can adequately handle the projected and likely traffic increases.

I would like to see the engine that is our economy keep running. I just want that engine to run faster, quieter, and smoother. That's why I am introducing the Southwest Border Infrastructure Improvement Act.

This bill provides funds to improve our ports-of-entry and ensure efficient binational trade in the future.

Specifically, this bill directs the U.S. Customs Service to update the ''Ports of Entry Infrastructure Assessment Study'' within 6 months of enactment. Pursuant to the updated study, it provides $500 million to be spent over five years for the recommended improvements.

Second, this legislation recognizes our unique shared border and relationship with Mexico. It considers that a unilateral solution along a binational border is no solution at all.

Therefore, this bill establishes a $75 million grant fund for FY02 and other sums for 2003–2006 through the Department of Transportation for port-of-entry infrastructure improvements that would reduce negative environmental impacts, such as air pollution, associated with cross-border transportation.

The grant program will be administered by the North American Development Bank and certified by the Border Environment Cooperation Commission. Grant applicants must meet a dollar for dollar match requirement to receive grant funds.

Last, this bill recognizes that new technologies must be developed to facilitate future binational trade. Our current system of processing goods at ports is impractical, overly burdensome, and is a substantial factor in traffic backlogs.

In order to innovate more efficient processing systems, this legislation designates that a port-of-entry will serve as a site to demonstrate port technologies. The Customs Service will carry out a program to test and evaluate such new technologies. This bill provides $10 million for 2002 and other sums from 2003 through 2006 for that purpose.

The selected port must have sufficient space to conduct the demonstration program, have low traffic volume so that new technologies may be incorporated without interrupting normal processing activity, and have a relatively modern design.

The recent NAFTA arbitration panel ruling concerning the U.S.'s policy prohibiting Mexican trucks from entering the United States brings our infrastructure limitations to the forefront. It is imperative to improve the Southwest Border's inadequate infrastructure and design. We must act to ensure continued national growth while working to improve the health and environment of border residents.

By Mr. HUTCHINSON (for himself, Mr. CLELAND, and Mr. MILLER):

S. 885. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I am pleased today to be joined by Senator CLELAND of Georgia in introducing the Area Wage and Base Payment Improvement Act, which seeks to address Medicare payment inequities for rural and small hospitals so they may pay competitive wages to attract and retain health care personnel and provide quality health care.

We all know that the health care workforce is shrinking, both in its own right and relative to the growing patient population. This is illustrated by the nursing profession. The average age of nurses today is 43.3 years, and less than 10 percent of the current nurse workforce is below age 30. Unfortunately, many nurses are leaving the occupation because of low pay, excessive paperwork burdens, a lack of respect, and other consequences of being short-staffed, such as overly long shifts, mandatory overtime, and the stress of having too many patients under their care. The result is that very few new nurses are getting into the pipeline to replace those who have retired or left the profession. The nursing shortage is being felt in virtually every part of the country, but especially in rural areas, where it is hard for hospitals to recruit and retain qualified personnel. In my home State of Arkansas, where nearly every county is considered a medically underserved area, hospitals are reporting over 750 nurse vacancies, this says nothing of the other personnel shortages they are experiencing as well.

Such severe shortages in qualified health care personnel have ''nationalized'' the market for health care professionals, and historically low labor costs in rural and small urban areas have disappeared. Hospitals in these areas must compete with large urban hospitals for qualified workers and pay higher wages as a result. In some cases, rural hospitals are being forced to pay health care personnel even more than urban hospitals. For example, a nurse practitioner in rural Arkansas is paid $29.04 per hours on average, while the same nurse practitioner would be paid $28.22 per hour in an urban hospital.

The Area Wage and Base Payment Improvement Act would address this issue by establishing an area wage index floor of 0.925 in order to bring payments in areas with the lowest wage indexes up to just below the national average of 1.00. The wage index is intended to adjust Medicare hospital inpatient and outpatient payments to account for varying wage rates paid by hospitals for workers in different market areas across the country, but it has not been updated since 1997. In Arkansas, the area wage index for rural hospitals is as low as .7445. By creating an area wage index floor of .925, as many as 72 hospitals in Arkansas and 2,100 hospitals nationwide will see an increase in their Medicare payments and their ability to provide competitive wages for hospital labor.

The legislation we are introducing also makes an important change to the Medicare payment formula by increasing the Medicare inpatient prospective payment system, PPS, base amount for rural and small urban hospitals. This base payment is primarily intended to cover labor costs. Today, there are two different base payment amounts for hospitals paid under the Medicare PPS, hospitals in large urban areas receive a base payment of $4,197, while hospitals located in all other areas receive a lower amount of $4,130. This legislation will eliminate this disparity and create one base payment of $4,197 for all hospitals. Nationwide, 2,600 hospitals will benefit from this payment increase.

The Area Wage and Base Payment Improvement Act will provide critical payments to small and rural hospitals

striving to provide quality health care and put them on an equal footing with large urban hospitals in terms of competing for health care personnel. I urge my colleagues in the Senate to support this important, bipartisan legislation.

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. 885

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 ''Area Wage and Base Payment Improvement Act''.

SEC. 2. ESTABLISHING A SINGLE STANDARDIZED AMOUNT UNDER MEDICARE INPATIENT HOSPITAL PPS.

(a) IN GENERAL.—Section 1886(d)(3)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting ''and ending on or before September 30, 2001,'' after ''October 1, 1995,''; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

''(v) For discharges occurring in the fiscal year beginning on October 1, 2001, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.

''(vi) For discharges occurring in a fiscal year beginning on or after October 1, 2002, the Secretary shall compute an average standardized amount for hospitals located in all areas within the United States equal to the average standardized amount computed under clause (v) or this clause for the previous fiscal year increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.''.

(b) CONFORMING AMENDMENTS.—

(1) UPDATE FACTOR.—Section 1886(b)(3)(B)(i)(XVII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVII)) is amended by striking ''for hospitals in all areas,'' and inserting ''for hospitals located in a large urban area,''.

(2) COMPUTING DRG-SPECIFIC RATES.—

(A) IN GENERAL.—Section 1886(d)(3)(D) of such Act (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(i) in the heading by striking ''IN DIFFERENT AREAS'';

(ii) in the matter preceding clause (i)—

(I) by inserting ''for fiscal years before fiscal year 1997'' before ''a regional DRG prospective payment rate for each region,''; and

(II) by striking ''each of which is'';

(iii) in clause (i)—

(I) by inserting ''for fiscal years before fiscal year 2002,'' after ''(i)''; and

(II) by striking ''and'' at the end;

(iv) in clause (ii)—

(I) by inserting ''for fiscal years before fiscal year 2002,'' after ''(ii)''; and

(II) by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following new clause:

''(iii) for a fiscal year beginning after fiscal year 2001, for hospitals located in all areas, to the product of—

''(I) the applicable average standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

''(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.''.

(B) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) of such Act (42 U.S.C. 1395ww(d)(3)) is amended in the matter preceding subparagraph (A) by inserting ''for fiscal years before fiscal year 1997'' before ''a regional DRG prospective payment rate''.

SEC. 3. FLOOR ON AREA WAGE ADJUSTMENT FACTORS USED UNDER MEDICARE PPS FOR INPATIENT AND OUTPATIENT HOSPITAL SERVICES.

(a) INPATIENT PPS.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by inserting ''(i) IN GENERAL.—'' before ''The Secretary'', and adjusting the margin two ems to the right;

(2) by striking ''The Secretary'' and inserting ''Subject to clause (ii), the Secretary''; and

(3) by adding at the end the following new clause:

''(ii) FLOOR ON AREA WAGE ADJUSTMENT FACTOR.—Notwithstanding clause (i), in determining payments under this subsection for discharges occurring on or after October 1, 2001, the Secretary shall substitute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing—

''(I) the application of the last sentence of clause (i) to any substitution made pursuant to this clause, or

''(II) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(t)) to which the factors established under clause (i) apply.''.

(b) OUTPATIENT PPS.—Section 1833(t)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following: ''For purposes of subparagraph (D) for items and services furnished on or after October 1, 2001, if the factors established under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (ii) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including waiving the applicability of the requirement for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.''.

Mr. CLELAND. Mr. President. I want to thank my distinguished colleague from Arkansas, Senator TIM HUTCHINSON, for his leadership on the Area Wage and Base Payment Improvement Act. I am very pleased to join Senator HUTCHINSON in this bipartisan measure to address Medicare inequities in the wage index for rural and community hospitals.

The severe shortage of nurses and other crucial health care workers has driven salaries higher to compete for these employees. The current Medicare wage index for rural areas reimburses at a lower rate which is based on 1997 data. In an increasingly competitive market for health care workers, rural area hospitals are in their ability to provide quality care.

Our proposal establishes a ''floor'' on the area wage index and will adjust Medicare inpatient and outpatient prospective payments (PPS) for rural and small metropolitan hospitals. By setting a floor on the area wage index of 0.925, our proposed correction would bring Medicare payments in areas with the lowest wage index up to just below the national average which is established at 1.00. The impact of the 0.925 floor is estimated to help more than 2100 mostly rural, but also some urban hospitals across the country.

This measure also increases the Medicare PPS base, of which a significant portion is to cover hospital labor costs. Today's competitive labor market has reduced the disparity in wages between large urban hospitals and rural and small metropolitan facilities. It makes sense that Medicare needs to move to one base payment for the inpatient PPS. The key issue here should be access to health care. For states like Georgia and Arkansas, with a large number of residents living in rural areas, the closing or downsizing of hospital beds because of out-of-date Medicare payment rates and insufficient health workers to provide safe care is creating a health care catastrophe.

Our measure is the companion bill to H.R. 1609. We urge our colleagues to support this bicameral, bipartisan effort to ensure access to rural and smaller metropolitan hospitals for Medicare beneficiaries.

By Mr. WELLSTONE:

S. 886. A bill to establish the Katie Poirer Abduction Emergency Fund, and for other purposes; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, last year in my home State, a talented, spirited young woman named Katie Poirier was abducted from the her job at a Carlton County convenience store. Within days of her disappearance, there was an enormous outpouring of community concern and support, with hundreds of volunteers helping local law enforcement search for Katie. Tragically, Katier's body was later recovered and a suspect arrested and tried for her murder.

The Poirier, Holmquist and Swanson cases in Minnesota, all involving abductions and homicides, demonstrate that resources and good information are absolutely crucial to successful law enforcement, particularly in our small towns and rural communities which are too often overlooked.

To that end, I am re-introducing legislation called ''Katie's Law,'' in honor of Katie Poirier, which will give rural law enforcement the assistance they need to deal with high profile, major crimes.

This legislation will establish a Federal ''Katie Poirier Abduction Emergency Fund'' to assist local and rural law enforcement agencies with the unanticipated expenses of major crimes. Second, it will provide grants to local and rural law enforcement agencies to integrate their identification technologies, or to establish systems that

work with the FBI's Integrated Automated Fingerprint Identification System, IAFIS. In many rural communities, this will cut down the time it takes to identify a violent suspect from two months to two hours.

There are hundreds of thousands adult and child abductions and homicides each year in rural counties. When a high profile, major crime occurs, like the Wetterling or Poirier abduction, local and rural law enforcement with small budgets are frequently overwhelmed by the financial demands these large cases make. The overwhelming hours and investigative demand can wipe out small budgets with expenses, including overtime pay, transporting witnesses and suspects if there is a change of trial venue, as occurred in the Poirier case, and other unanticipated costs.

As the sheriffs across my home State will tell you, the first 72 hours in an abduction case are the most critical. After that, the chances of locating the victim alive drop dramatically. No matter how short staffed or small the budget, law enforcement must put its pedal to the metal 100 percent after an abduction or homicide. It is crucial that rural law enforcement agencies with limited resources handling major crimes get the support they need from the State and Federal governments.

In Minnesota when a high profile case occurs, a joint task force is established between the Bureau of Criminal Apprehension, the FBI, and the local law enforcement agency. Sheriffs I have spoken with say the task force model is effective and extremely helpful. Yet, they still must cover many unanticipated expenses such as huge surges in overtime. Many of them just can't do it. As one sheriff said to my staff, ''I am running my agency on fumes, not gas. I've got nothing left.''

My bill would establish a Federal Abduction Emergency Fund to help small law enforcement agencies with expenses from high-profile, major crimes, including kidnaping and homicides. The Attorney General would make grants available to state agencies to distribute to local and rural law enforcement agencies in need. The total amount would be $10 million for each of three years.

Second, my legislation will provide local law enforcement officers with the resources to use the latest identification system to solve and prevent crime. Access to quality, accurate information in a timely fashion is of vital importance in that effort.

One of the best tools available is the FBI's IAFIS system. Since rural and local enforcement often do not have the funds to access the FBI's Integrated Automated Fingerprint Identification System, (IAFIS), they are at a disadvantage when trying to identify violent offenders.

State and local law enforcement organizations need to develop and upgrade their criminal information and identification systems, as well as integrate those systems with other jurisdictions. The Federal Government has invested billions in information and identification systems whose benefits will go largely unrealized unless local law enforcement receive the resources to be able to participate in these systems.

Unfortunately, there is a wide disparity between the criminal identification systems that are now available, and the ability of state and local law enforcement to use them. Many states, including Minnesota, have been developing systems which will allow, at a minimum, the most populous areas to link up to the FBI's IAFIS system. However, many small, rural localities are being left behind. This reduces the capacity of rural law enforcement to quickly verify the identity and criminal record of dangerous suspects in their custody.

Right now, in many rural counties, a sheriff's office may have to wait as long as two months to have a suspect positively identified. Access to FBI's IAFIS system would allow sheriffs like Ray Hunt to determine under two hours a suspect's identity who has an existing file with the FBI.

This legislation will be one step in bridging this gap. It will provide grants to states to assist local and rural law enforcement to intergrate information technologies or to establish systems that work with the FBI's. These funds may be used by local law enforcement agencies to integrate information systems with other jurisdictions, or for training, and maintenance and purchase of fingerprint identification technology. The total amount to be authorized is $20 million for each of three years.

''Katie's Law'' will be instrumental in ensuring that rural law enforcement is not left behind. I can never know how the Poirier and the other families really feel, the depth of their pain and the tremendous losses they have suffered. But, I do know how I feel—we must and can do more to safeguard our children and to support rural law enforcement prevent and solve violent crimes. I believe ''Katie's Law'' is an important step forward in that direction.

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. 886

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 ''Katie's Law''.

SEC. 2. KATIE POIRIER ABDUCTION EMERGENCY FUND.

(a) ESTABLISHMENT OF ABDUCTION EMERGENCY FUND.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish the Katie Poirier Abduction Emergency Fund (referred to in this section as the ''fund'') to assist local and rural law enforcement agencies with expenses resulting from a crime, including an abduction or homicide, that results in extraordinary unanticipated costs to the agency because of the magnitude of the crime and the need to adequately respond with personnel and support.

(b) EMERGENCY GRANTS.—The Attorney General shall make grants to States to be distributed to local and rural law enforcement agencies as determined by the State.

(c) CRITERIA FOR GRANTS.—The Attorney General shall establish criteria for awarding grants under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2002 through 2004.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM TO ASSIST LOCAL AND RURAL LAW ENFORCEMENT AGENCIES IN ESTABLISHING OR UPGRADING AN INTEGRATED APPROACH TO DEVELOP IDENTIFICATION TECHNOLOGIES AND SYSTEMS TO IMPROVE CRIMINAL IDENTIFICATION.

(a) IN GENERAL.—The Attorney General, through the Bureau of Justice Statistics of the Department of Justice, shall make grants to States which shall be used to assist local and rural law enforcement agencies in establishing or upgrading an integrated approach to develop identification technologies and systems to improve criminal identification.

(b) CRITERIA FOR GRANTS.—The Attorney General shall establish criteria for awarding grants under this section.

(c) USE OF GRANTS.—Grants under this section may be used by local and rural law enforcement agencies to integrate information technologies or to establish, develop, or upgrade automated fingerprint identification systems, including live scan and other automated systems to digitize fingerprints and communicate prints, that are compatible with standards established by the National Institute of Standards and Technology and interoperable with systems operated by States and the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of the fiscal years 2002 through 2004.

By Mr. WELLSTONE:

S. 887. A bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, I am introducing the Torture Victims Relief Act of 2001. This bill authorizes increased appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture. The bill authorizes the authorization levels for domestic treatment centers for victims of torture to $20 million for fiscal year 2002, double the $10 million amount currently authorized for fiscal year 2002 by the Torture Relief Re-authorization Act of 1999, and $25 million for fiscal year 2003 (an increase of $15 million over the current authorization) and establishes an authorization level of $30 million for fiscal year 2004.

Repressive governments frequently make use of torture to silence those who are defending human rights and democracy in their own country. Many

of these people have sought refuge in the United States. The additional funding provided in the Torture Relief Act of 2001 recognizes the debt we own to those courageous people who have made extraordinary sacrifices by speaking out for their principles.

We have come a long way in raising the awareness of torture and helping victims of torture since 1985 when the Center for Victims of Torture in Minnesota was founded and began its pioneering work with torture victims, but still much more needs to be done to stop this terrible practice.

In 1998, as an outgrowth of my work with the Center for Victims of Torture, I introduced the Torture Victims Relief Act. It was adopted by Congress and became law, PL 105–320. The legislation authorized the Department of Health and Human Services to support U.S. treatment programs for victims of torture. For Fiscal Year 2000, Congress appropriated $7.2 million. The implementing agency, the Office of Refugee Settlement, provided 16 grants with this appropriation. About twice that number applied for funding with a total request several times the available amount. For Fiscal Year 2001, Congress appropriated $10 million for this program, the authorized amount. It has become obvious that the program is significantly underfunded and requires the additional support provided by this legislation.

The funds will support treatment services to hundreds of victims each year in 23 treatment centers, located from New York to California and from Minnesota to Texas. The victims have suffered horrendous torture and as a consequence suffer from nightmares, anxiety attacks, flashbacks, depression and other mental health problems. With treatment they can become contributing members of our communities. Without treatment, victims potentially become burdens rather than contributors to our society.

Since adoption of TVRA, the number of treatment programs for victims of torture has more than doubled. The National Consortium of Torture Treatment Programs now include 23 organizations and others are seeking membership.

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. 887

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 ''Torture Victims Relief Act of 2001''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(b) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2002, 2003, and 2004, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $20,000,000 for fiscal year 2002, $25,000,000 for fiscal year 2003, and $30,000,000 for fiscal year 2004.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

By Mr. LIEBERMAN:

S. 888. A bill to amend the Internal Revenue Code of 1986 to provide assistance to students and families coping with the costs of higher education, and for other purposes; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, today I am pleased to introduce the College Tuition Assistance Act of 2001, a bill that will provide tax relief to middle and lower income American families struggling to pay the rising cost of college tuition for their children.

Last year, at my request, the Committee on Governmental Affairs held two days of hearings on the affordability of higher education. Those hearings showed that the price of college tuition continues to rise at a pace that exceeds the rate of inflation. In fact, the most recent data released by the College Board show that since 1980, both public and private four-year college tuitions have increased on average more than 115 percent over inflation. It's no wonder families are worried about their ability to afford a college education for their children, and about the student loan debt burden their children may have to bear after graduation. We should be worried too—ensuring that higher education is affordable is critical to our nation's ability to maintain its competitiveness in a global economy. Highly trained, skilled workers making good wages are the engine that powers our economy, both because of the work they do and the revenue they generate as both buyers and sellers of goods and services.

The College Tuition Assistance Act will help families in four key ways:

First, it will help them pay tuition expenses while students are in school, by increasing the value of the current Lifetime Learning Credit. Under my bill, while a student is in college, a family would be eligible for a tax credit or tax deduction worth as much as $2,800 toward the first $10,000 in tuition and fees they pay each year. In addition, the adjusted income levels at which individuals and families qualify for the credit are raised so that more families would be eligible to receive this credit.

Second, my bill would remove the requirement that Pell grants and other need-based government aid be subtracted from a family's eligible college expenses, allowing those families to qualify for some portion of the Lifetime Learning Credit. A problem under current law is that the value of need-based aid, such as a Pell grant, received by the child of a lower income family may reduce or even eliminate the family's eligibility for a tax credit based on tuition expenses. However, a recent study by the Congressionally-created Advisory Committee on Student Financial Assistance showed that, even after receiving need-based aid, students from low-income families have as much as $3,800 a year in ''unmet need,'' that is, college expenses that are not covered by assistance and which the family may be unable to afford. If families are permitted to subtract the value of their government aid from their eligible college expenses, they may qualify for the first time for the Lifetime Learning Credit and apply this money toward the costs of their college student's education. Without this help, many students from low-income families might not attend college; the Advisory Committee's report says that, because of the financial barriers, even the most highly qualified students from low-income families attend college at a rate that is 20 percent lower than equally qualified students from the wealthiest families. For less qualified students, this differential is nearly 40 percent.

Third, the costs of higher education continue to be a burden for many students even after graduation, as their student loans come due and they find a significant portion of their disposable income going to pay interest on these loans. Some graduates find that, even with their higher salary, they cannot afford many of the basic things they would like to acquire as adults, such as home or car purchases or even starting a new family. The College Tuition Assistance Act will expand the current tax law in three ways to provide more help offsetting the interest costs associated with repayment of student loans after graduation. This bill will remove the current five year limit on deductions of student loan interest, it will raise the adjusted income levels so more individuals and families can qualify for this deduction, and it will allow the deduction to be taken for each student in the family who owes interest on college loans.

Finally, studies repeatedly show that the purchasing power of the Pell grant itself has been significantly eroded. Recent reports issued by the College Board and the American Council on Education show that in academic year 1975–1976, the maximum Pell grant covered 78 percent of the price of attending a public four-year college; for the current academic year, the maximum grant is enough to cover only 39 percent of these costs. We must do a better job of funding this crucial assistance to low-income students. President Bush, during last year's campaign, pledged to increase the maximum Pell grant for first-year students to $5,100 from its current level of $3,300. While many experts do not support the notion of ''front-loading'' by increasing

aid only to first-year students, this was at least a significant proposed increase in Pell grant funding. The College Tuition Assistance Act will encourage meaningful increases in the maximum Pell grant by raising the authorization level for academic years 2001–2002 and 2002–2003 to $5,800.

A college degree is a basic necessity in our Innovation Economy and a family's financial status should not be the determining factor in whether a young person joins society with the advantages of higher education or not. I hope, with the support of my colleagues, that we can pass the College Tuition Assistance Act in order to ease the burden middle and lower income families and their children bear on their way to success.

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. 888

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 ''College Tuition Assistance Act of 2001''.

SEC. 2. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

''SEC. 222. HIGHER EDUCATION EXPENSES.

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable dollar amount of the qualified tuition and related expenses paid by the taxpayer during the taxable year.

''(2) APPLICABLE DOLLAR AMOUNT.—The applicable dollar amount for any taxable year shall be determined as follows:

''Taxable year:	Applicable dollar amount:
2002	$5,000
2003 and thereafter	$10,000.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under paragraph (2).

''(2) AMOUNT OF REDUCTION.—The amount determined under this paragraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $50,000 ($100,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined without regard to this section and sections 911, 931, and 933.

''(4) ADJUSTMENTS FOR INFLATION.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2001, the $50,000 and $100,000 amounts in paragraph (2)(A)(ii) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

''(c) QUALIFIED TUITION AND RELATED EXPENSES.—For purposes of this section, the term 'qualified tuition and related expenses' has the meaning given such term by section 25A(f)(1) (determined with regard to section 25A(c)(2)(B)).

''(d) SPECIAL RULES.—

''(1) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under subsection (a) to a taxpayer with respect to the qualified tuition and related expenses of an individual unless the taxpayer includes the name and taxpayer identification number of such individual on the return of tax for the taxable year.

''(2) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction is allowable to the taxpayer under any other provision of this chapter unless the taxpayer irrevocably waives his right to the deduction of such expense under such other provision.

''(B) DENIAL OF DEDUCTION TO THE EXTENT CREDIT IS ELECTED.—No deduction shall be allowed under subsection (a) for a taxable year with respect to the qualified tuition and related expenses of an individual to the extent the taxpayer elects to have section 25A apply with respect to such expenses for such year.

''(C) DEPENDENTS.—No deduction shall be allowed under subsection (a) to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(D) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a) for qualified tuition and related expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135 or 530(d)(2) for the taxable year.

''(3) LIMITATION ON TAXABLE YEAR OF DEDUCTION.—

''(A) IN GENERAL.—A deduction shall be allowed under subsection (a) for qualified tuition and related expenses for any taxable year only to the extent such expenses are in connection with enrollment at an institution of higher education during the taxable year.

''(B) CERTAIN PREPAYMENTS ALLOWED.—Subparagraph (A) shall not apply to qualified tuition and related expenses paid during a taxable year if such expenses are in connection with an academic term beginning during such taxable year or during the first 3 months of the next taxable year.

''(4) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS BENEFITS.—The amount of qualified tuition and related expenses otherwise taken into account under subsection (a) with respect to the education of an individual shall be reduced (before the application of subsection (b)) by the sum of the amounts received with respect to such individual for the taxable year as—

''(A) a qualified scholarship which under section 117 is not includable in gross income,

''(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or

''(C) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a) or needs-based aid received under part A of title IV of the Higher Education Act of 1965) for educational expenses, or attributable to enrollment at an eligible educational institution, which is exempt from income taxation by any law of the United States.

''(5) NO DEDUCTION FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(6) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

''(7) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting.''.

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (17) the following:

''(18) HIGHER EDUCATION EXPENSES.—The deduction allowed by section 222.''.

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 222 and inserting the following:

''Sec. 222. Higher education expenses.

''Sec. 223. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2001 (in taxable years ending after such date), for education furnished in academic periods beginning after such date.

SEC. 3. EXPANSION OF LIFETIME LEARNING CREDIT.

(a) IN GENERAL.—Section 25A(c)(1) of the Internal Revenue Code of 1986 (relating to lifetime learning credit) is amended by striking ''20 percent'' and inserting ''28 percent''.

(b) INCREASE IN AGI LIMITS.—

(1) IN GENERAL.—Subsection (d) of section 25A of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) HOPE CREDIT.—

''(A) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a)(1) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $40,000 ($80,000 in the case of a joint return), bears to

''(ii) $10,000 ($20,000 in the case of a joint return).

''(2) LIFETIME LEARNING CREDIT.—

''(A) IN GENERAL.—The amount which would (but for this subsection) be taken into account under subsection (a)(2) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to

the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $50,000 ($100,000 in the case of a joint return), bears to

''(ii) $10,000 ($20,000 in the case of a joint return).

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.''.

(2) CONFORMING AMENDMENT.—Section 25A(h)(2)(A) of such Code is amended by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)(B) and the $50,000 and $100,000 amounts in subsection (d)(2)(B)''.

(c) USE OF CERTAIN NEEDS-BASED AID FOR QUALIFIED EXPENSES.—Section 25A(g)(2)(C) of the Internal Revenue Code of 1986 (relating to adjustment for certain scholarships , etc.) is amended by inserting ''or needs-based aid received under part A of title IV of the Higher Education Act of 1965'' after ''section 102(a)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2001 (in taxable years ending after such date), for education furnished in academic periods beginning after such date.

SEC. 4. EXPANSION OF STUDENT LOAN INTEREST DEDUCTION.

(a) PER STUDENT BASIS.—

(1) IN GENERAL.—Section 221(b)(1) of the Internal Revenue Code of 1986 (relating to maximum deduction) is amended by inserting ''with respect to qualified education loans of each eligible student'' after ''paragraph (2),''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to any loan interest paid after December 31, 2001, in taxable years ending after such date.

(b) ELIMINATION OF 60-MONTH LIMIT.—

(1) IN GENERAL.—Section 221 of the Internal Revenue Code of 1986 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) CONFORMING AMENDMENT.—Section 6050S(e) of such Code is amended by striking ''section 221(e)(1)'' and inserting ''section 221(d)(1)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any loan interest paid after December 31, 2001, in taxable years ending after such date.

(c) INCREASE IN INCOME LIMITATION.—

(1) IN GENERAL.—Section 221(b)(2)(B) of the Internal Revenue Code of 1986 (relating to amount of reduction) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $40,000 ($80,000 in the case of a joint return), bears to

''(ii) $15,000 ($20,000 in the case of a joint return).''.

(2) CONFORMING AMENDMENT.—Section 221(g)(1) of such Code is amended by striking ''$60,000'' and inserting ''$80,000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

SEC. 5. PELL GRANTS.

Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A)) is amended—

(1) in clause (iii), by striking ''$5,100'' and inserting ''$5,800''; and

(2) in clause (iv), by striking ''$5,400'' and inserting ''$5,800''.

By Mr. FRIST (for himself, Mr. BREAUX, and Mr. JEFFORDS):

S. 889. A bill to protect consumers in managed care plans and in other health coverage; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today on behalf of my colleagues Senator BREAUX and Senator JEFFORDS to introduce the Bipartisan Patients' Bill of Rights Act of 2001. This new, balanced patients' rights initiative truly represents a bipartisan breakthrough in this ongoing debate.

For over 5 years, we have been engaged in debate about how best to protect patients in managed care plans. The time for debate and discussion is over. We need to act and to move forward to make progress on this issue in this Congress.

The legislation we are introducing today is designed to do just that. It builds upon, incorporates, and refines the best ideas that have been put forth by both Republicans and Democrats over the past few years. I'd like to particularly acknowledge the work of Senator NICKLES, Senator KENNEDY, and Senator JEFFORDS. And of Representative NORWOOD, Representative DINGELL, Representative THOMAS, Representative BOEHNER, Representative SHADEGG, and Speaker HASTERT.

Importantly, the legislation we are introducing today meets the principles the President outlined earlier this year, and can be signed into law. Patients have waited far too long for these needed protections.

As a physician, I am particularly gratified that the legislation we are introducing is being supported by a wide range of groups representing physicians and providers, including the American College of Surgeons, the Society of Thoracic Surgeons, the American College of Cardiology, the American Society of Anesthesiologists, the American Society for Gastrointestinal Endoscopy, the American Society of Clinical Pathologists, the American Academy of Dermatology Association, the American Association of Orthopaedic Surgeons, the American Association of Neurological Surgeons, the American Urological Association, the American Society of Clinical Pathologists, the American College of Emergency Physicians, the American Society of Cataract and Refractive Surgery, the American Psychological Association, and the American Physical Therapy Association.

As others review the details of this legislation, I hope and expect that support will continue to grow.

Let me briefly outline the highlights of our legislation.

The Bipartisan Patients' Bill of Rights Act of 2001 protects all Americans in private health plans. At the same time, it gives deference to the states by allowing state managed care laws to continue in force so long as they are consistent with our principles.

The bill also includes a comprehensive set of patient protections. For example, it guarantees emergency coverage under a ''prudent layperson'' standard. It guarantees direct access for women to OB/GYNs, and allows patients to choose a pediatrician as their child's primary health care provider. The legislation also bans so-called ''gag clauses'' in health plan contracts; prohibits discrimination against health professionals based solely on their license, guarantees access to needed prescription drugs that are not part of a health plan's formulary; and contains many other important protections.

Because one of the best ways to improve our health care system is to make sure consumers are fully informed, the Bipartisan Patients' Bill of Rights Act of 2001 also requires health plans to disclose to enrollees extensive information about their health coverage, including providing information about the new Federal rights they will be guaranteed as a result of this legislation.

The heart of the legislation is a new, independent, impartial external medical review to make sure patients can get the care they need when they need it. The independent review in our bill will help ensure that qualified doctors, not health plans, will make medical decisions.

Importantly, the legislation includes new, expanded remedies to hold health plans accountable in federal court. As I have often said, litigation should be a last resort. But when patients have been harmed by a health plan delay or denial of care, or where a plan refuses to comply with an external review decision, patients should be allowed to enforce those rights in Federal court.

For the first time under our legislation, patients will be able to sue for monetary damages in federal court. Economic damages are unlimited. Noneconomic damages are capped at $500,000.

In addition, patients can go to court at any time to get the health benefits they need through injunctive relief if going through the internal or external review process would cause them irreparable harm.

While we provide important new federal legal rights, we do not preempt the progress states have made. Our bill expressly protects state HMO liability laws and state court jurisdiction over malpractice cases against HMOs where health plans are making ''treatment'' or ''health care delivery'' decisions.

During this time of rapidly rising health care costs, Congress must be extremely careful to protect employers who voluntarily sponsor health coverage for over one hundred million Americans from the increased risk of litigation simply for offering their employees coverage. Our bill accomplishes this by giving employers the statutory right to appoint insurance carriers or third-party administrators who are

making coverage decisions as ''designated decision makers'' who may be sued in federal court.

Finally, the Bipartisan Patients' Bill of Rights Act of 2001 ensures that treating physicians and health professionals are not subject to new, expanded liability. We make clear that doctors who are providing care or treatment directly to patients cannot be ''designated decision makers'' unless they agree in writing to do so and meet the bill's strict solvency and financial requirements.

Let me again thank my cosponsors, Senators BREAUX and JEFFORDS, for their hard work on this legislation. And let me also express my gratitude to the patient and provider groups who have endorsed our legislation.

I believe this legislation can gather even more support over time, and become a vehicle for breaking through the gridlock and partisan divisions that have prevented us from making progress during the past 5 years on this issue. I look forward to working with my colleagues to ensure that we pass a bill that the President can sign into law to guarantee patients the protections they need.

I ask unanimous consent that a summary of the legislation be printed in the RECORD.

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

BIPARTISAN PATIENTS' BILL OF RIGHTS ACT OF 2001—SUMMARY

Today, Senators Bill Frist (R–TN), John Breaux (D–LA), and James Jeffords (R–VT) introduced the first bipartisan managed care reform legislation in the 107th Congress that meets the patient protection principles outlined by President Bush in February of this year.

The ''Bipartisan Patients' Bill of Rights Act of 2001'' guarantees that all Americans covered by private health plans will be protected through a new comprehensive, common-sense set of patient protections guaranteed by federal law. This centrist proposal builds upon and incorporates the best elements of the patients' rights legislation developed during the past two Congresses by both Republicans and Democrats.

The Bipartisan Patients' Bill of Rights Act will ensure that all Americans covered by private health plans get the care they need and deserve by guaranteeing access to medical specialists, emergency care, needed prescription drugs, point-of-service coverage, and coverage for clinical trials. Patients will be guaranteed access to important information about their health coverage. Doctors, not health plans, will make medical decisions. And, for the first time, all Americans will be able to appeal health plan coverage denials to independent doctors to get rapid, unbiased decisions. Unlike other managed care reform proposals before Congress this year, the bipartisan Frist-Breaux-Jeffords bill will not unnecessarily drive up consumers' health care costs, threaten employers who do not make medical decisions with costly and unnecessary lawsuits, or add significant bureaucratic red tape to the private health care system.

All the protections in the Frist-Breaux-Jeffords bipartisan ''Patients' Bill of Rights Act'' apply to all 170 million Americans covered by private-sector group health plans, and fully-insured state and local government plans.

At the same time, the legislation recognizes that the federal government does not have all the answers. States will play the primary role in enforcing the bill's requirements with respect to health insurers and will have flexibility to apply for certification from the Secretary of Health and Human Services (HHS) that their laws are consistent with the patient protection requirements in the bill. A federal advisory board would evaluate state-passed consumer protections under this standard and make recommendations to the Secretary of HHS.

If a state does not have a law, or adopt a law, consistent with the new federal requirements, federal fall-back legislation would apply. In this case, the U.S. Department of Labor, DOL, would enforce the requirement for fully-insured group health plans, about 75 million people, and HHS would enforce the provision in the individual insurance market, about 22 million people, and for fully-insured state and local government plans, roughly 17 million people. DOL will enforce all the Act's provisions with respect to self-insured private group health plans (roughly 56 million people).

The Bipartisan Patients' Bill of Rights Act of 2001 includes a comprehensive set of commonsense protections to ensure that patients have access to the care, treatment, and information they need.

Patients can go the nearest hospital emergency room to get the emergency care they need regardless of whether the emergency room is in their health plan's network.

Employers that offer only closed panel health plans will be required to offer a point-of-service coverage options to their workers.

Health plans that offer obstetrician/gynecological services must provide women with direct access to an OB/GYN specialist for OB/GYN covered services.

Health plans must allow patients to choose a pediatrician as their child's primary health care provider.

When a health care provider is terminated or leaves a health plan's network, the plan must ensure that patients with serious and complex illnesses, and those who are receiving institutional care, may continue treatment with their health care provider for up to 90 days. Health plans also must guarantee that women can continue care with their OB/GYN through post-pregnancy care, and for the remainder of an individual's life in the case of a patient who is terminally ill.

Health plans that provide prescription drugs through a formulary must ensure that physicians and pharmacists help develop and review the formulary. They also must ensure that patients have access to medically-necessary prescription medications that are not part of the formulary.

Health plans must ensure that patients receive timely access to specialty medical care when needed. If a plan lacks an appropriate specialist within its network, the plan must guarantee access to a specialist outside the network at no additional cost to the patient.

Health plans are required to cover routine patient costs associated with participation in approved clinical trials for patients who have life-threatening or serious illnesses for which no standard treatment is effective.

Patients who need medical advice should not have to worry that their doctor will be prohibited by a health plan contract from discussing all possible treatment options. Therefore, the legislation bans so-called ''gag rules'' in providers' contracts and otherwise prevents health plans from restricting health care professionals from communicating with their patients about treatment options.

Health plans may not exclude doctors and other health professionals from providing services that are covered by the plan based solely on a health professional's license or certification.

Health plans must ensure inpatient coverage for the surgical treatment of breast cancer for a period of time determined by a doctor, in consultation with the patient.

Health plans must disclose the methods they use for compensating health care professionals and providers. In addition, a comprehensive study is authorized to determine the range of provider compensation methods and evaluate the effect of such methods on provider behavior.

Health plans are required, on an annual basis, to provide a wide range of information to enrollees about the plan's coverage, including detailed descriptions of benefits and cost-sharing requirements.

To ensure that patients' health care claims are handled fairly from the outset, the legislation contains new rules governing health plans' timing and handling of initial and internal claims. Plans are required to expedite determinations where appropriate.

The time frames are as follows: Routine Prior Authorization: 14 business days; Expedited Prior Authorization: 72 hours; Concurrent Review: 24 hours.

When health plans deny patients coverage based on a determination that the care is not medically necessary or appropriate, or that the treatment is experimental or investigational, or where a claim for coverage requires an evaluation of medical facts, the Bipartisan Patients' Bill of Rights Act guarantees patients access to timely independent medical review.

The legislation requires external medical review decisions to be made by physicians and health care professionals independent of the health plan who practice in a similar specialty as the physician or professional who recommended the care in the first place. In making a decision, independent medical reviewers must take into account all appropriate and available information, including scientific and clinical evidence. Determinations are to be made without deference to the plan's coverage decision and reviewers are not bound by the plan's definitions of medical necessity or experimental/investigational. Independent medical reviewers' decisions are binding on health plans; plans must provide coverage in accordance with the recommendations and time frames established by the independent medical reviewer.

If a plan fails to comply with the decision of an independent medical reviewer and a patient is harmed, the legislation provides new, expanded legal remedies to hold health plans accountable in federal court.

A new, exclusive federal legal remedy that provides monetary damages will be available to participants and beneficiaries in employer-sponsored health plans. This remedy is available when an external medical reviewer overturns the plan's decision and the patient is harmed because the plan failed to exercise ordinary care in complying with the external review decision. The new remedy also allows lawsuits in federal court when health plans fail to exercise ordinary care in denying coverage initially or upon internal review, resulting in a harmful delay of coverage.

Patients must exhaust the external review process before seeking damages in federal court. However, they may go to court at any time to receive injunctive relief, i.e., the court can require the health plan to approve needed care, if they demonstrate that exhausting internal or external review would cause irreparable harm. Patients who are harmed by a plan's failure to exercise ordinary care may receive unlimited economic damages in federal court. They also may be awarded non-economic damages up to $500,000.

At the same time, the legislation retains the current law distinction with respect to remedies in the areas that the courts have determined are traditional areas of state concern, such as the ''quality of health care'' and ''treatment'' standards. The bill respects and reinforces state court jurisdiction over quality of care and treatment claims by expressly stating that any harm resulting from treatment and health care delivery activities will continue to be subject to state law remedies.

When a patient files an appeal and the external reviewer determines that the appeal is not subject to independent medical review, a federal court may assess a civil penalty up to $100,000 when the denial causes substantial harm to the patient.

The Frist-Breaux-Jeffords legislation protects employers who do not make medical decisions from lawsuits. The legislation gives employers statutory authority to designate a party or parties, such as the insurance carrier or the third-party administrator that will have clear and exclusive authority to make determinations that give rise to legal causes of action. In a fully insured group health plan, this ''designated decision-maker'' is always the insurance carrier, unless the employer expressly takes back responsibility from the carrier. Designated decision-makers must demonstrate that they can fulfill their responsibilities, including financial obligations that stem from liability, by obtaining liability insurance or by meeting certain capital and surplus requirements.

The Frist-Breaux-Jeffords legislation also helps protect doctors and other health professionals from new, expanded federal liability by expressly providing that health care professionals who directly deliver care or treatment, or who provide services to patients, can not be sued for coverage decisions as designated decision-makers unless they expressly agree in writing to be the designated decision-maker and meet the bill's strict financial requirements. Further, insurance companies may not appoint treating health professionals as designated decision-makers under the bill.

Mr. JEFFORDS. Mr. President, today, I am pleased to join with Senators BILL FRIST and JOHN BREAUX in introducing the Bipartisan Patients' Bill of Rights Act of 2001, bipartisan managed care reform legislation that meets the patient protection principles outlined by President Bush for a bill he would sign into law. The President's strong support for our legislation is proof that he is providing the necessary leadership to bring Republicans and Democrats to the table to develop managed care protections for all Americans.

Some believe that the answer to improving our Nation's health care quality is to allow greater access to the State's tort system. However, you simply cannot sue your way to better health. Rather, we believe that patients must get the care they need when they need it. Under the Bipartisan Patient Bill of Rights patients have access to an independent external medical review process for denials of care. Decisions are made by practicing physicians or professionals, independent of the plan. Prevention, not litigation, is the best medicine.

A new Federal remedy that provides damages will be available to Americans in employer-sponsored health plans when an external review entity overturns the plan's decision and the patient is harmed. Employers who do not make medical decisions are protected from frivolous and unnecessary lawsuits by enabling them to legally designate a party that will have clear and exclusive authority to make coverage determinations.

Our Bipartisan Patients' Bill of Rights Act of 2001 has much in common with the managed care legislation introduced by Senators MCCAIN, EDWARDS and KENNEDY. They share provisions that provide new patient protections. Each provides for information to assist consumers in navigating the health care system. Most importantly, the bills provide for an internal and external independent review process with strong new remedies when the external view process fails. Our primary area of disagreement lies in the degree that employers are protected from multiple causes of action in multiple venues and the provision of a reasonable cap on damages.

Fortunately, I believe we can provide the key protections that consumers want at a minimal cost and without disruption of coverage, if we apply these protections responsibly and where they are needed, without adding significant new costs, increasing litigation, and micro-managing health plans.

Our goal is to give Americans the protections they want and need in a package that they can afford and that we can enact. This is why I believe the Bipartisan Patients' Bill of Rights Act of 2001 represents true managed care protections that can be signed into law.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DEWINE, and Mr. CARPER):

S. 890. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to finally close what has become known as the ''gun show loophole'' and provide more resources to prosecute violations of gun laws. This bill, ''The Gun Show Loophole Closing and Gun Law Enforcement Act of 2001,'' stops criminals from evading a background check while respecting the rights of individuals who enjoy attending and purchasing firearms at public gun show events and helps puts criminals who use guns behind bars. I am pleased to have as cosponsors Senators LIEBERMAN, SCHUMER, DEWINE, and CARPER.

Since the Brady law went into effect, Federal law requires anyone buying a gun at a gun store to undergo a background check, but the law does not apply to private individuals selling guns, such as at gun shows. At gun shows, both licensed and unlicensed gun sellers offer guns for sale. At tables operated by licensed dealers, buyers must go through a background check; at tables operated by private sellers federal law requires no background check, and 32 states do not require such checks either.

Criminals and gun traffickers have figured this out. Gun shows are the second leading source of illegal guns recovered in gun trafficking investigations. According to a recent report by Americans for Gun Safety, ''the states that do not require background checks at gun shows are flooding the rest of the nation with crime guns.'' While 95 percent of buyers are cleared within two hours, the 5 percent who are not are 20 times more likely to be a prohibited purchaser. Background checks are an essential part of keeping guns from criminals and other prohibited individuals.

This gun show bill will require background checks at each of the 4,500 gun shows that occur every year. It does so in a way that is balanced and protects the rights of those who enjoy gun shows. It is the first gun safety legislation that is genuinely bipartisan and it is the only bill that creates real incentives for states to improve their criminal history records in order to make the National Instant Check System, NICS, faster and more accurate. And this bill contains no provisions that are designed to hurt legitimate gun show business.

This bill eliminates the confusing definition of previous bills and defines a gun show as any event where at least 75 guns are available for sale. This bill corrects a flaw in previous bills and excludes from background checks the sale of a gun either from the seller's home or to an immediate family member.

The sticking point in previous failed gun show bills was over the maximum time allowed to complete a background check: 3 business days, which is current law for licensed dealers, or a shorter time due to the transience of gun shows.

This bill creates an innovative compromise. For the first three years after the bill becomes law, it extends current law to gun shows: 3 business days. But after three years, states may apply for a waiver from the U.S. Attorney General to reduce the maximum wait to conclude a background check for sales between unlicensed individuals at gun shows to 24 hours, but only when that state has automated its records may a waiver be granted so that a shortened time period won't allow criminals and other illegal buyers to get guns. It creates accountability so that states can only receive this waiver when at least 95 percent of their disqualifying records dating back 30 years are computerized.

During the first three years, three business days is the maximum time it can take to run a check for unlicensed sellers. If, after those three business

days the buyer has not been denied, he or she can purchase the gun. It is not a waiting period; if you clear the system, you immediately get your gun. If, after three years, a state has sufficiently computerized their records, 24 hours is the new maximum time it can take to run a check for unlicensed sellers.

Background checks do not hurt gun show business in any way. For example, Pennsylvania currently requires background checks for all gun sales and hosts the second most gun shows in the Nation, hundreds every year. And unlike previous bills, this bill creates no new onerous reporting requirements for gun sales at gun shows but requires only the same paperwork required for gun sales from a licensed gun store.

This bill will reduce crime by providing for tougher enforcement of current gun laws. This bill adds new ATF agents and gun crime prosecutors, expands Project Exile, calls for more resources for gun tracing and more research into new ''smart gun'' technologies, and provides much needed money for states to automate their records.

Recently, the States of Oregon and Colorado overwhelmingly passed statewide referenda closing the gun show loophole. I wholeheartedly supported those efforts. Given the overwhelming support that the people of these two states provided to closing the gun show loophole, I think it is time that we have a national requirement for background checks for all sales at gun shows. In the end, it will require parity between gun stores and gun shows, help stop criminals from getting guns on the black market, reduce the interstate trafficking of guns, and will not harm gun show operators.

I do not view my stance on the gun show loophole as inconsistent with my twenty-year long Congressional voting record on gun-related issues. I will always be a strong defender of law-abiding Americans' Second Amendment rights, but with rights, come responsibilities. And we have a responsibility to help keep guns out of the hands of criminals while protecting the rights of honest, law-abiding citizens.

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. 890

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 ''Gun Show Loophole Closing and Gun Law Enforcement Act of 2001''.

TITLE I—GUN SHOW LOOPHOLE CLOSING ACT OF 2001

SEC. 101. SHORT TITLE.

This title may be cited as the ''Gun Show Loophole Closing Act of 2001''.

SEC. 102. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) SPECIAL FIREARMS EVENT.—The term 'special firearms event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) does not include an offer or exhibit of firearms for sale or exchange by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under sections 923 and 931.

''(36) SPECIAL FIREARMS EVENT FREQUENT OPERATOR.—The term 'special firearms event frequent operator' means any person who operates 2 or more special firearms events in a 6 month period.

''(37) SPECIAL FIREARMS EVENT INFREQUENT OPERATOR.—The term 'special firearms event infrequent operator' means any person who operates not more than 1 special firearms event in a 6 month period.

''(38) SPECIAL FIREARMS EVENT LICENSEE.—The term 'special firearms event licensee' means any person who has obtained and holds a valid license in compliance with section 931(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual who is not licensed under this chapter for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 931(c).

''(39) SPECIAL FIREARMS EVENT VENDOR.—The term 'special firearms event vendor' means any person who is not required to be licensed under section 923, who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

SEC. 103. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at special firearms events

''(a) SPECIAL FIREARMS EVENT OPERATORS.—

''(1) REGISTRATION OF SPECIAL FIREARMS EVENT OPERATORS.—

''(A) IN GENERAL.—It shall be unlawful for any person to operate a special firearms event unless that person registers with the Secretary in accordance with regulations promulgated by the Secretary.

''(B) FEES.—The Secretary shall be prohibited from imposing or collecting any fee from special firearms event operators in connection with the registration requirement in subparagraph (A).

''(2) RESPONSIBILITIES OF SPECIAL FIREARMS EVENTS FREQUENT OPERATORS.—It shall be unlawful for a special firearms events frequent operator to organize, plan, promote, or operate a special firearms event unless that operator—

''(A) has an annual operating license for special firearms events frequent operators issued by the Secretary pursuant to regulations promulgated by the Secretary;

''(B) not later than 30 days before commencement of the special firearms event, notifies the Secretary of the date, time, duration, and location of the special firearms event, the vendors planning to participate, and any other information concerning the special firearms event as the Secretary may require by regulation;

''(C) not later than 72 hours before commencement of the special firearms event, submits to the Secretary an updated list of all special firearms event vendors planning to participate, and any other information concerning such vendors as the Secretary may require by regulation;

''(D) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(E) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(i) a ledger with identifying information concerning the vendor; and

''(ii) a notice advising the vendor of the obligations of the vendor under this chapter;

''(F) notifies each person who attends the special firearms event of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

''(G) not later than 5 days after the last day of the special firearms event, submits to the Secretary a copy of the ledger and notice described in subparagraph (E); and

''(H) maintains a copy of the records described in subparagraphs (C) through (E) at the permanent place of business of the operator for such period of time and in such form as the Secretary shall require by regulation.

''(3) RESPONSIBILITIES OF SPECIAL FIREARMS EVENTS INFREQUENT OPERATORS.—It shall be unlawful for a special firearms event infrequent operator to organize, plan, promote, or operate a special firearms event unless that person—

''(A) not later that 30 days before commencement of the special firearms event, notifies the Secretary of the date, time, duration, and location of the special firearms event;

''(B) not later than 72 hours before commencement of the special firearms event, submits to the Secretary a list of all special firearms event vendors planning to participate in the special firearms event and any other information concerning such vendors as the Secretary may require by regulation;

''(C) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(D) before commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(i) a ledger with identifying information concerning the vendor; and

''(ii) a notice advising the vendor of the obligations of the vendor under this chapter;

''(E) notifies each person who attends the special firearms event of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

''(F) not later than 5 days after the last day of the special firearms event, submits to the Secretary a copy of the ledger and notice described in subparagraph (D); and

''(G) maintains a copy of the records described in subparagraphs (B) through (D) at the permanent place of business of the special firearms event promoter for such period

of time and in such form as the Secretary shall require by regulation.

''(b) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee in accordance with subsection (c).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1) shall not—

''(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (c)(2)(A); or

''(B) transfer the firearm to the transferee if the person has been notified under subsection (c)(2)(B) that the transfer would violate section 922 or would violate State law.

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

''(c) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (b) with respect to the transfer of a firearm shall—

''(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

''(2) not later than 3 business days (meaning a day on which State offices are open), or if the event is held in a State that has been certified by the Attorney General under section 104 of the Gun Show Loophole Closing Act of 2001, not later than 24 hours (or 3 business days if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General) notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the time period set forth in paragraph (2), notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

''(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(3) in the case of a transfer of 2 or more firearms on a single day to a person other than a licensee, prepare a report of the multiple transfers, which report shall be—

''(A) on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(4) comply with all record keeping requirements under this chapter.

''(d) SPECIAL FIREARMS EVENT LICENSE.—

''(1) IN GENERAL.—The Secretary shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

''(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

''(A) the applicant is 21 years of age or over;

''(B) the application includes a photograph and the fingerprints of the applicant;

''(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

''(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

''(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and

''(F) the applicant certifies that—

''(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

''(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

''(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

''(3) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—On approval of an application as provided in this subsection and payment by the applicant of a fee of $200 for 3 years, and upon renewal of valid registration a fee of $90 for 3 years, the Secretary shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

''(B) NICS.—A special firearms licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a gun show from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins with the date the registration is issued.

''(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the record keeping requirements shall be the same.

''(5) RESTRICTIONS.—

''(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

''(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

''(e) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

''(2) does not include—

''(A) the mere exhibition of a firearm; or

''(B) the sale, transfer, or exchange of firearms between immediate family, including parents, children, siblings, grandparents, and grandchildren.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A)(i) Whoever knowingly violates section 931(a)(1) shall be—

''(I) fined under this title, imprisoned not more than 2 years, or both; and

''(II) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(ii) Whoever knowingly violates section 931(a)(2) shall be fined under this title, imprisoned not more than 5 years, or both.

''(iii) Whoever knowingly violates section 931(a)(3) shall be fined under this title, imprisoned not more than 2 years, or both.

''(B) Whoever knowingly violates section 931(b) shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever knowingly violates section 931(c) shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at special firearms events.''.

SEC. 104. OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS AND PROGRAMS TO IMPROVE STATE DATABASES.

(a) OPTION FOR 24-HOUR REQUIREMENT.—

(1) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(2) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State that not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(3) DISQUALIFYING INFORMATION.—Such disqualifying information shall include, at a minimum, the disqualifying records for that State going back 30 years from the date of application to the Attorney General for certification.

(4) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 931(c)(2) of title 18, United States Code, shall apply to the verification

process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(5) ANNUAL REVIEW.—The Attorney General shall annually review and revoke for any State not in compliance the certification required in the amendment made by paragraph (1).

(b) PRIORITY.—The Attorney General shall give priority to background check requests at special firearms events made pursuant to section 931 of title 18, United States Code, as added by this Act.

(c) STUDY.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall identify and report to Congress the reasons for delays in background checks at the Federal and State levels and include recommendations for eliminating those delays.

(d) GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to States to assist in the computerization of the criminal conviction records and other disqualifying records of that State and with other issues facing States that want to apply for certification under section 104(a) of this title.

(2) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary for fiscal years 2002 through 2004 to carry out this subsection.

SEC. 105. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking ''or licensed dealer'' and inserting ''licensed dealer, or special firearms event operator''.

SEC. 106. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 107. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(2) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 108. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 109. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE II—GUN LAW ENFORCEMENT ACT OF 2001

SEC. 201. SHORT TITLE.

This title may be cited as the ''Gun Law Enforcement Act of 2001''.

SEC. 202. STATE AND LOCAL GUN CRIME PROSECUTORS.

(a) PURPOSE.—The purpose of this section is to—

(1) provide funding for State and local prosecutors to focus on gun prosecutions in high gun crime areas; and

(2) double funding for such programs from fiscal year 2001 to 2002.

(b) AUTHORIZATION.—There are authorized to be appropriated $150,000,000 for fiscal year 2002 to the Attorney General to provide grants to States and units of local government to support prosecutions in high gun crime areas by State and local prosecutors.

SEC. 203. NATIONAL PROJECT EXILE.

(a) PURPOSE.—The purpose of this section is to provide funding to replicate the success of the Project EXILE program.

(b) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for fiscal year 2002 to the Attorney General to provide for additional Assistant United States Attorneys to establish not to exceed 100 Project EXILE programs with local United States Attorneys and local jurisdictions.

(c) MEDIA AWARENESS.—From amounts authorized by subsection (b), the Attorney General may provide funds to participating local jurisdictions.

SEC. 204. FUNDING FOR ADDITIONAL ATF AGENTS.

There are authorized to be appropriated $18,000,000 for fiscal year 2002 to the Secretary of the Treasury for the purpose of funding the hiring of an additional 200 agents for the Bureau of Alcohol, Tobacco, and Firearms.

SEC. 205. GUN TRACING AND YOUTH CRIME GUN INTERDICTION.

There are authorized to be appropriated $20,000,000 for fiscal years 2002 through 2005 to the Secretary of the Treasury for the purpose of—

(1) funding additional resources for the Bureau of Alcohol, Tobacco, and Firearms to trace guns involved in gun crimes; and

(2) expanding the Youth Crime Gun Interdiction Initiative to 250 cities over the 4 years funding is authorized.

SEC. 206. SMART GUN TECHNOLOGY.

There are authorized to be appropriated $10,000,000 for fiscal year 2002 to the National Institute for Justice for the purpose of making grants to research entities developing technologies that limit the use of a gun to the owner.

SEC. 207. REPORT ON BRADY ENFORCEMENT.

Not later than February 1 of each year—

(1) the Attorney General shall report to Congress—

(A) the number of prosecutions resulting from background checks conducted pursuant to the Brady Handgun Violence Prevention Act;

(B) what barriers exist to prosecutions under that Act; and

(C) what steps could be taken to maximize prosecutions; and

(2) the Secretary of Treasury shall report to Congress—

(A) the number of investigations conducted pursuant to the Brady Handgun Violence Prevention Act;

(B) the number of investigations initiated but not pursued under that Act;

(C) the number of firearms retrieved as transferred in contravention of that Act; and

(D) what barriers exist to investigations under that Act.

Mr. LIEBERMAN. Mr. President, I am proud to join Senator MCCAIN, Senator DEWINE, Senator SCHUMER, and Senator CARPER in introducing this important legislation. This bill aims to build common ground on gun violence, a problem that has too often divided Members of Congress. And we are going to build that common ground on commonly held American values. As citizens of this great Democracy, we have rights and we have responsibilities. We have the right to own guns, but we have a responsibility not to sell them to criminals. That is the simple but important set of values on which the legislation we introduce today is founded.

For several decades, our nation has had a clear policy against allowing convicted felons to buy guns, because we know that mixing criminals and guns far too often yields violent results. Through the Brady law, we established what seems like an obvious corollary to that policy—a requirement that those selling guns determine whether someone trying to buy a firearm isn't supposed to get one before they sell it to them. The Brady law has been an enormous success. Since its enactment, background checks have kept well over half a million people who by law are not allowed to own guns from getting guns, saving an untold number of our citizens from the violence, injury or death the sale of many of these guns would have brought.

The Brady law, however, contained an unfortunate loophole that has since been exploited to allow convicted felons and other people who shouldn't own guns to evade the background check requirement by buying their guns at gun shows. The problem is that Brady applies only to Federal Firearms Licensees, so-called FFLs, people who are in the business of selling guns. Brady explicitly exempts from the background check requirement anyone ''who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.'' As a result, any person selling guns as a hobby or only occasionally, whether at a gun show, flea market or elsewhere, need not obtain a federal license and therefore has no obligation to conduct a background check. This means that any person wanting to avoid a background check can go to a gun show, find out which vendors are not FFLs, and buy a gun. And this is dangerous not only because it allows convicted felons and other prohibited persons to buy guns, but also because, in contrast to FFLs, non-FFLs have no obligation to keep records of the transaction, thereby depriving law enforcement of the ability to trace the gun if it later turns up at a crime scene.

Our bill will change that. We will make sure that no one will be able to buy a gun at a gun show without it

first being determined whether that person is a convicted felon or is a member of one of the other categories of people we all agree should not be allowed to buy guns.

Senator MCCAIN and I have heard the concerns expressed about past proposals to close the gun show loophole, and we have tried hard in our bill to make sure those concerns are addressed.

First, our bill has a simple definition of a gun show, an event where 75 or more guns are offered or exhibited for sale—and we make clear that that definition doesn't include sales from a private collection by nonlicensed sellers out of their homes.

Second, to respond to the argument that previous proposals made it too difficult for nonlicensed sellers to fulfill the background check requirement, our bill makes sure that nonlicensed sellers will have easy access to someone who can initiate background checks for them, by creating a new class of licensee whose sole purpose will be to initiate background checks at gun shows.

Third, we have tried to respond to those who say that a three-day check is too long for gun shows, because those events only last a couple of days. It is worth noting that the length allowed for the check doesn't affect the majority of gun purchasers, because 72 percent of checks are completed within 30 seconds and almost 95 percent are done within two hours. We have come up with a compromise that authorizes a State to move to a 24-hour check for nonlicensed dealers at gun shows—when the State can prove that a 24-hour check is feasible. A State can prove that by showing that 95 percent of the records that would disqualify people in that State from buying guns are computerized and searchable by the NICS system.

Now I know that there are many, including President Bush, who argue that what we need to solve the gun violence problem are not new laws but the enforcement of existing ones. I agree with part of that statement. Our bill authorizes significant increases in funding for a number of gun enforcement programs, including state and local gun crime prosecutors, Project Exile, additional ATF agents, gun tracing and smart gun technology. I am pleased that the President said yesterday that he supported a large chunk of what we are proposing today.

But I believe we must go farther than that, because we will never be able to enforce existing laws unless we close the loopholes in them that criminals exploit. And we all know that there is a big loophole in the provision saying that felons aren't supposed to buy guns, and that is that criminals know that if they go to a gun show, they will be able to avoid the background check that was set up to keep them from getting guns.

Gun crime remains a critical public safety problem. For too long, it has unnecessarily divided the Congress, and the American people have been left to suffer the violent consequences. But the reality is that most of us agree on most of the critical questions. We agree that the laws on the books should be enforced, that the rights of law-abiding gun owners should be protected, and that convicted felons shouldn't be able to get guns. The bill we are introducing today would write those principles into law. I hope all of my colleagues support it.

By Mr. DODD:

S. 891. A bill to amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce legislation designed to help avoid the growing problem of credit card indebtedness.

This legislation is fairly straightforward. It would not prohibit people younger than 21 from obtaining a credit card. It simply requires that when issuing credit cards to persons under the age of 21, the issuers obtain an application that contains: 1. the signature of a parent, guardian, or other qualified individual willing to take financial responsibility for the debt; or 2. information indicating that the young person has a job or some means of repaying any credit extended; or 3. proof that applicant has completed a certified credit counseling course.

One of the most troubling developments in the hotly contested battle between credit card issuers to sign up new customers has been the aggressive way in which they have targeted people under the age of 21, particularly college students.

Solicitations to this age group have become more intense for a variety of reasons. First, it is one of the few market segments in which there are always new customers to go after; every year, 25 to 30 percent of undergraduates are fresh faces entering their first year of college.

Second, it is also an age group in which brand loyalty can be readily established. In the words of one major credit card issuer: ''We are in the relationship business, and we want to build relationships early on.'' In fact, most people hold on to their first credit card for up to 15 years.

Many, if not most, credit card issuers exercise prudence in issuing cards to young people. But some credit card issuers do not. They target vulnerable young people in our society and extend them large amounts of credit with little if any consideration to whether or not there is a reasonable expectation of repayment. As a result, more and more young people are falling into a financial hole from which they were unable to escape.

Experts estimate that the current economic downturn could force a record 1.5 million Americans into bankruptcy this year. About a third of them will be in their 20s and early 30s. According to the American Bankruptcy Institute, just five years ago, only 1 percent of personal bankruptcies filed were by those age 25 or younger. By 1998, that number had risen to nearly 5 percent.

Financial regulators, including the Federal Reserve Board and the Federal Deposit Insurance Corporation, have stated that loans made without consideration of the borrower's ability to repay constitutes an ''unsafe and unsound'' business practice. They have criticized such lending practices as ''imprudent.'' Thus, an economic downturn coupled with ''imprudent'' lending practices could have a devastating effect not only on credit card consumers, but on financial institutions, as well.

The business practices of many credit card companies on college campuses are extremely troubling. Some credit card issuers actively entice colleges and universities to help promote their products. According to University of Houston Professor Robert Manning, during the next five years, banks will pay the largest 250 universities nearly $1 billion annually for exclusive marketing rights on campus.

A recent ''60 Minutes II'' piece vividly illustrated the impact that credit card debt can have on college students. A crew form the show, on a major public university campus, and with the use of hidden cameras, filmed vendors pushing free T-shirts, hats, and other enticements with credit card applications. ''60 Minutes II'' revealed that this university is being paid $13 million over ten years by a credit card company for the right to have a presence on campus and use the university logo on its cards.

This public university is making money off students who use these credit cards, the report said. As part of the agreement, the university receives 0.4 percent of each purchase made with the cards. In a sense, this university has a vested interest in getting their students in as much debt as possible.

The ''60 Minutes II'' piece also told the story of one student, Sean Moyer, and his desperate attempts to handle massive credit card debt. This student's life began to spin out of control as the huge debts he racked up in just three years of college began to become, in his mind, insurmountable. As a result of mounting credit card debts, he was unable to get loans to go to law school like he dreamed, and his parents could not afford to pay his way. So in February 1998, Sean took his own life.

''It is obscene that the university is making money off the suffering of their students,'' said Sean Moyer's mother. Sean Moyer had 12 credit cards and more than $10,000 in debts when he committed suicide nearly three years ago, she related. He had two jobs: one at the library and another as a security guard at a local hotel, but he still could not pay his collectors, she said.

Even three years after her son's death, she still gets pre-approved credit

card offers in Sean's name from some of the same companies that he owed thousands of dollars. One company preapproved Sean for a $100,000 credit line, she said.

Last Congress, I went to the main campus of the University of Connecticut to meet with student leaders about this issue; quite honestly, I was surprised at the amount of solicitations going on in the student union. I was even more surprised at the degree to which the students themselves were concerned about the constant barrage of offers they were receiving.

These offers seem very attractive. One student intern in my office received four solicitations in just two weeks, one promised ''eight cheap flights while you still have 18 weeks of vacation.'' Another promised a platinum card with what appeared to be a low interest rate, until one reads in the fine print that it applied only to balance transfers, not to the account overall. Only one of the four offered a brochure about credit terms but, in doing so, also offered a ''spring break sweepstakes.''

Last year, the Chicago Tribune reported that the average college freshman will receive 50 solicitations during their ''first few months'' at college. It further reported that ''college students get green-lighted for a line of credit that can reach more than $10,000, just on the strength of a signature and a student ID.''

There is a serious public policy question about whether people in this age bracket can be presumed to be able to make the sensible financial choices that are being forced upon them from this barrage of marketing.

While it is very difficult to get reliable information from credit card issuers about their marketing practices to people under the age of 21, the statistics that are available are disconcerting.

Nellie Mae, a major student loan provider in New England, conducted a recent survey of the students who had applied for student loans. It termed the results ''alarming.'' The study found: 78 percent of all undergraduate students have a least one credit card—up from 67 percent in 1998; of those students, the average credit card balance is $2,748, up from $1,879 in 1998; and 32 percent of undergraduates had four or more credit cards.

Some college administrators, bucking the trend to use credit card issuers as a source of income, have become so concerned that they have banned credit card companies from their campuses, and have even gone so far as to ban credit card advertisements from the campus bookstore. Recently, colleges around the nation, ranging from New York's SUNY Buffalo to Georgia Tech in Atlanta, have begun to ban the marketing of credit cards on their campuses.

Let me touch on an important component of this amendment—credit counseling. Much as we encourage children who reach driving age to take drivers' education courses to prevent automobile accidents, we should teach younger consumers the basics of credit to avoid financial wrecks. Educating our nation's youth about the responsibilities of financial management is critical, and we do not currently do a good enough job in this area.

While there is overwhelming evidence that student debt is skyrocketing, most surveys also show that this same group of consumers is woefully uninformed about basic credit card terms and issues.

According to the Jump$tart Coalition for Personal Financial Literacy, a nonprofit group which conducts an annual national survey on high school seniors' knowledge of personal finance, basic financial skills are even poorer today than they were three years ago.

I agree with those who argue that there are many millions of people under the age of 21 who hold full time jobs and are as deserving of credit as anyone over the age of 21. I also agree that students should continue to have access to credit and that we should not try to prohibit the market from making that credit available.

However, the period of time from 18 to 21 is an age of transition from adolescence to adulthood. As we do in many other places in the federal law, some extra care is needed to make sure that mistakes made from youthful inexperience do not haunt these young people for the rest of their lives.

Federal law already says that people under the age of 21 shouldn't drink alcohol. Our tax code makes the presumption that if someone is a full-time student under the age of 23, they are financially dependent on their parents or guardians.

Is it so much to ask that credit card issuers find out if someone under the age of 21 is financially capable of paying back the debt? Or that their parents are willing to assume financial responsibility? Or that they understand the nature and conditions of the debt they are incurring?

Many responsible credit card issuers already require this information in one form or another. Is it too much to ask that the entire credit card industry strive to meet their own best practices when it comes to our kids?

Providing fair access to credit is something I have fought for throughout my tenure in the United States Senate. And credit cards play a valuable role in assisting in their pursuit of the American dream. I do not believe that this legislation is either unduly burdensome on the credit card industry or unfair to people under the age of 21.

The fact of the matter is that excessive solicitations assume that if the young adult is unable to pay, they will be bailed out by their parents. Many times this means that parents must sacrifice other things in order to make sure that their child does not start out their adult life in a financial hole or with an ugly black mark on their credit history.

This measure is critical to ensuring that credit cards are both issued and used responsibly. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill, a letter of endorsement from Consumers Union, the Consumer Federation of America, and the U.S. Public Interest Research Group, as well as referenced newspaper articles be printed in the RECORD.

There being no objection, the bill and additional material were ordered to be printed in the RECORD, as follows:

S. 891

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 ''Underage Consumer Credit Protection Act of 2001''.

SEC. 2. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(6) APPLICATIONS FROM UNDERAGE CONSUMERS.—

''(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not attained the age of 21 as of the date of submission of the application shall require—

''(i) the signature of the parent, legal guardian, or spouse of the consumer, or any other individual having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21;

''(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account; or

''(iii) proof by the consumer that the consumer has completed a credit counseling course of instruction by a nonprofit budget and credit counseling agency approved by the Board for such purpose.

''(C) MINIMUM REQUIREMENTS FOR COUNSELING AGENCIES.—To be approved by the Board under subparagraph (B)(iii), a credit counseling agency shall, at a minimum—

''(i) be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

''(I) is not employed by the agency; and

''(II) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

''(ii) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee; and

''(iii) provide trained counselors who receive no commissions or bonuses based on referrals, and demonstrate adequate experience and background in providing credit counseling.''.

SEC. 3. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(6) of the Truth in Lending Act, as added by this Act.

CONSUMER FEDERATION OF AMERICA
May 14, 2001.

DEAR SENATOR DODD: Consumers Union, the Consumer Federation of America, and U.S. Public Interest Research Group support the Underage Consumer Credit Protection Act of 2001 that addresses the growing problem of credit card debt among young Americans.

Your bill would require that a credit card issuer undertake reasonable steps to verify that students have the means to repay their credit card debts. In the alternative, a credit card could be issued to a student who completes a credit-counseling course. This is a reasonable approach—to protect the safety and soundness of financial institutions and help American's youth who every day face aggressive marketing tactics from the credit industry.

According to bank regulatory agencies, including the Federal Reserve Board and the Federal Deposit Insurance Corporation, making loans without any regard for the borrower's ability to repay, as card issuers do with college students, is ''unsafe and unsound.'' The regulators have criticized such lending practices as ''imprudent.'' The student loan corporation, Nellie Mae, said in a recent report that the increase in the number of students having a credit card includes students who would not have been given credit cards in past year, certainly not without a co-signer. The report also pointed to the need for counseling students at the front end—before the student obtains a credit card. Nellie Mae found that: Some students unwittingly accumulate credit card debt, not consciously planning ahead whether they can afford to borrow that sum, and not aware of the actual finance charges they will pay over time. Having a card doesn't necessarily indicate knowledge about the ramifications of borrowing in general; nor does it show that the student has evaluated the benefit and costs of borrowing with a credit card vs. other types of financing. Without assistance, these students may not have the know-how to borrow wisely on the front end.

The credit card industry has targeted America's youth with relentless marketing ploys and tactics that seem designed to drive those students into debt. According to Nellie Mae, more than 70 percent of undergraduates possess at least one credit card. The average debt for undergraduates who do not pay off their bill every month is more than $2,000. Many students end up dropping out of school under the weight of such debt. Congress should respond to this growing crisis on college campuses. And the problem could get worse as high school students are also receiving credit card offers.

Many colleges and universities not only permit aggressive credit card marketing on campus; they actually benefit financially from this marketing. Credit card issuers pay institutions for sponsorship of school programs, for support of student activities, for rental of on-campus solicitation tables, and for exclusive marketing agreements, such as college ''affinity'' cards.

Congress should require lending institutions to act in a safe and sound manner by verifying that the person to whom that credit card issuer is extending credit has the ability to repay. In the absence of acting in a safe and sound manner, the least that could be done is to give student's some of the tools that could be useful in avoiding financial trouble through credit counseling at the front end. The Senate should pass the Underage Consumer Credit Protection Act to preserve the soundness of our financial institutions and help America's youth handle the aggressive credit card industry practices.

FRANK TORRES,
Consumers Union.

TRAVIS PLUNKETT,
Consumer Federation of America.
ED MIERZWINSKI,
U.S. Public Interest Research Group.

[From the Chicago Tribune, May 7, 1999]

CHARGED WITH TEACHING YOUNG PEOPLE TO SAVE; EDUCATIONAL CAMPAIGN ATTEMPTS TO GIVE STUDENTS BASIC FINANCIAL SURVIVAL SKILLS, INCLUDING HANDLING CREDIT

(By Humberto Cruz)

It should come as no surprise. Forty percent of American students between the ages of 16 and 22 said they are likely to buy a pair of jeans or something similar they ''really'' like even if they are short of money.

And 22 percent would pay for it with a credit card.

But then, isn't that what they see their parents do? Deeper in debt then ever before, Americans owe a record $565 billion on credit cards, or more than $7,000 per balance-revolving household, based on figures from the Federal Reserve.

''We have an economy that encourages people to borrow and spend more than they have,'' said Dallas L. Salisbury, chairman and CEO of the American Savings Education Council in Washington, D.C.

Salisbury is talking about the barrage directed at all of us to spend, spend, spend. The enticing offers to sign up for home-equity loans greater than the value of our homes. The culture of instant gratification that demands that if you want something you get it now, and damn the consequences.

''We need to teach our kids very early on how skeptical they should be of this type of thing,'' Salisbury said. ''And how dangerous it is to get yourself buried in debt.''

Reaching young people is the goal for the coming year of the ''Facts on Savings and Investing'' campaign, launched in 1998 by a national partnership of government agencies, securities regulators and business, education and consumer groups.

''We asked ourselves what our priorities should be, and one thing that has come down loud and clear is the necessity to get many people to start saving early,'' said Salisbury, who is also president and CEO of the Employee Benefit Research Institute in Washington.

As part of the campaign, the savings council and the institute released a ''Youth & Money'' survey of 560 high school and 440 college students conducted by the research firm Mathew Greenwald & Associates.

The survey found that most students feel confident they understand financial matters. But their behavior suggests they don't know nearly as much as they think, and that many are falling into bad habits.

For example, less than half save at least something whenever they receive money or get paid, only 23 percent draw up a monthly budget and stick to it, and 28 percent of those with credit cards roll over debt month after month.

Perhaps more telling, one-fourth of the students who think they do a good job of managing their money do not think regular savings is a very high priority, when in fact it should be.

And 25 percent of the students with credit cards who say they do a good job of managing their money roll over debt every month, one of the worst financial habits anybody can have.

''One has to presume they are influenced just by watching their parents,'' Salisbury said. ''They end up 'learning' things they would be better off not to learn.''

But if parents can't or won't help, what is the solution? The survey showed an overwhelming majority of students, or 94 percent, go first to their parents for financial information and advice. Only 21 percent had taken a financial education course in school, although 62 percent had the chance to do so.

Among those who did, 41 percent said they began saving, 28 percent said they increased their savings, 28 percent said they invested their savings differently, and 19 percent said they developed a budget. The Youth & Money survey, however, questions whether the students actually changed their behavior as opposed to just saying they did.

Still, Salisbury is among a big majority of Americans—count me in, too—who believe financial education should be mandatory in high school. A recent nationwide survey by the National Council on Economic Education found that 96 percent of adults believe basic economics should be a required part of the high school curriculum.

Currently, 38 of the 50 states have adopted guidelines for teaching economics in high school, but only 16 mandate that schools offer a course and just 13 require that students take the course. Even in those states, more needs to be done, and is being done, to train teachers and incorporate more basic financial literacy concepts in the course.

''They all should do it,'' Salisbury said. ''If we require students to take English and to take history to graduate, we should require that they learn basic financial survival skills.''

If they all did, maybe the students could then educate their parents on the basics of budgeting and handling credit. Then saving and investing would not be a subject that 30 percent of parents never discuss with their children, according to the Youth & Money survey.

''What's most effective is for students to take what they learn in school about finance and discuss it with their parents,'' said Paul Yakoboski, director of research for the savings council.

TEENS ABLE TO CALCULATE HOW SAVINGS CAN ADD UP

Would you shell out $4,700 for a pair of sneakers? How about $2,800 for a computer game or $300 for a fast-food meal?

The sums may sound outlandishly high, but that is how much a 13-year-old could save if he invested for retirement, rather than spending $75 for a pair of sneakers, $45 for a computer game and $5 for a fast-food meal, according to ''AIE Savings Calculator,'' which was launched recently on the Web at www.investoreducation.org by the non-profit Alliance for Investor Education.

The calculator allows a child to enter his or her age, a typical purchase or any dollar amount, and then see how much the money might be worth if it was invested for 10 years, 25 years and to the age of retirement. The calculator is based on an 8 percent annual rate of growth, a stock market average in recent years.

[From USA Today, Feb. 13, 2001]

DEBT SMOTHERS YOUNG AMERICANS

(By Christine Dugas)

For many living in a world of easy credit, digging out of debt can become a way of life: 18- to 35-year-olds often live paycheck to paycheck, using credit for restaurant meals and high-tech toys. A news study says the average undergrad now owes $2,748 on credit cards.

As a freshman at the University of Houston in 1995, Jennifer Massey signed up for a credit card and got a free T-shirt. A year later, she had piled up about $20,000 on debt on 14 credit cards.

Paige Hall, 34, returned from her honeymoon in 1997 to find herself laid off from her

job at a mortgage company in Atlanta. She was out of work for 4 months. She and her husband, Kevin, soon were trying to figure out how to pay $18,200 in bills from their wedding, honeymoon and furnishings for their new home.

By the time Mistie Medendorp was 29, she had $10,000 in credit card debt and $12,000 in student loans.

Like no other generation, today's 18- to 35-year-olds have grown up with a culture of debt—a product of easy credit, a booming economy and expensive lifestyles.

They often live paycheck to paycheck and use credit cards and loans to finance restaurant meals, high-tech toys and new cars that they couldn't otherwise afford, according to market researchers, debt counselors and consumer advocates.

''Lenders are much more willing to take a risk on people under 25 than they were 15 years ago,'' says Nina Prikazsky, a vice president at student loan corporation Nellie Mae. ''They will give out credit cards based on a college student's expected ability to repay the bills.''

Young people are taking advantage of the offers. A study out today from Nellie Mae shows that the average credit card debt among undergraduate students increased by nearly $1,000 in the past two years. On average, they owed $2,748 last year, up from $1,879 in 1998.

At a time when they could be setting aside money for a down payment on a home, many young people are mortgaging their financial future. Instead of getting a head start on saving for retirement, they are spending years digging themselves out of debt.

''I knew for a while that I had a problem. I wouldn't say I was living high on the hog, but when I wanted clothes, I'd buy a new outfit,'' says Medendorp, an Atlanta resident. ''I'd go out to eat and charge it on my cards. There were a bunch of small expenses that added up and got out of control.''

Massey, Hall and Medendorp each ended up seeking help from a local consumer credit counseling service. Hundreds of thousands more young people like them are turning to credit counseling or bankruptcy because they can no longer juggle their bills.

In 1999 alone, an estimated 461,000 Americans younger than 35 sought protection from their creditors in bankruptcy, up from about 380,000 in 1991, according to Harvard Law School professor Elizabeth Warren, principal researcher in a national survey of debtors who filed for bankruptcy.

At the Consumer Credit Counseling Service of Greater Denver, more than half of all the clients are 18 to 35 years old, says Darrin Sandoval, director of operations. On average, they have 30% more debt than all other age groups, he says.

''By the time they begin to settle into a suburban lifestyle, they are barely able to meet their debt obligations,'' Sandoval says. ''If there is a job loss, an unexpected medical expense or the birth of a child, they supplement their income with credit cards. Soon they are being financially crushed.''

DEBT HEADS

Unlike the baby boom generation—raised by Depression-era parents—young Americans today are often unfazed by the amount of debt they carry.

''This generation has lived through a time when everything was on the upswing,'' says J. Walker Smith, president of Yankelovich Partners, a market research firm. ''There is no sense of worry about being over-leveraged. It all seems to work out.''

Kevin Jackson, a 32-year-old software engineer in Denver, has about $8,000 in credit card debt and a $20,000 home-equity loan. He doesn't believe he has a debt problem, though his goal is to reduce his credit card balance to $2,000.

''You learn to live with a certain amount of debt,'' he says. ''It's a means to an end. There is something to be said for paying for everything and something to be said for enjoying life, as long as you do it responsibly.''

Unfortunately, enjoying life can be expensive, especially for many young Americans who feel it is essential to have the latest high-tech products and services, such as a cellphone, pager, voice mail, a computer with a second phone line or a DSL connection, an Internet service provider and a Palm Pilot.

Jackson just bought a DVD player and a big-screen TV. ''I try to control costs,'' he says. ''I easily could have spent $5,000 on the TV, but instead I paid $2,000 and I got a one-year, no-interest deal.''

Movies, TV shows and advertising only reinforce the idea that young people are entitled to have an affluent lifestyle. ''We're encouraged to overspend,'' says Jason Anthony, 31, co-author of Debt-free by 30, a book he wrote with a friend after they found themselves drowning in debt.

''We all see shows like Melrose Place and Beverly Hills 90210. It creates tremendous pressure to keep up. I'm one of the few persons who think a recession will be good for my generation. Our expectations are so elevated. In the frenzy to keep up, we've gotten into financial trouble,'' he says.

THE PERILS OF PLASTIC

Consumers like Massey, who get bogged down in credit card debt before they even graduate from college, learn the hard way about managing money. Now 24 and married, Massey has a good job in marketing. She has cut up her credit cards and is gradually repaying her debts. However, there have been consequences: She had to explain to her boss that because she no longer has a credit card, she cannot travel for work if it involves renting a car or booking a hotel reservation on her own. She had to tell her husband about her debt problems before they were married.

''I lack confidence now,'' Massey says. ''I'm hard on myself because of my mistakes. But I blame the credit card companies and the university for allowing them to promote the cards on campus without educating students about credit.''

The percentage of undergraduate college students with a credit card jumped from 67% in 1998 to 78% last year, according to the Nellie Mae study. And many of them are filing their wallets with cards. Last year, 32% said they had four or more cards, up from 27% two years earlier.

Although graduate students have an even bigger appetite for credit, they are starting to show signs of restraint. Their average debt declined slightly from $4,925 in 1998 to $4,776 last year, Nellie Mae says.

Many young people will be saddled with credit card debts for years, experts say. Among all age groups, credit card holders younger than 35 are the least likely to pay their bills in full each month, according to Robert Manning, author of Credit Card Nation.

Though credit cards and uncontrolled spending are a combustible combination, many young people are pushed to the financial edge by the staggering cost of college. The average annual tuition at a four-year private university jumped to $16,332 last year from $7,207 in 1980, according to the College Board. Between 1991 and 2000, the average student loan burden among households under 35 inreased nearly 142% to $15,700, according to an exclusive analysis of the finances of 18- to 34-year-olds for USA TODAY by Claritas, a market research firm based in San Diego.

Those who choose to go on and get a graduate degree pay an even higher price. Another Nellie Mae study found that those who borrow for graduate work, and specifically those in expensive professional programs in law and medicine, are likely to have unusually high debt burdens that are not always offset by comparably high salaries.

Karen Mann didn't need a survey to come to that conclusion. Her husband, Michael, is about to start his career as an orthopedic surgeon after racking up $400,000 in loans during four years of undergraduate school, four years of medical school, one year in an MBA program and a 5-year residency program.

During his residency and a subsequent fellowship, payments and some of the interest on his student loan have been deferred. Soon they'll have to begin paying them off.

The interest payment alone is $20,000 a year.

The Manns are not extravagant, ''I've always saved, and I have a budget,'' says Karen, 31. ''I'd love to buy a house, but there's no way. We haven't been able to afford kids yet. The loans are so awesome that you do get crazy.''

PAYING FOR EVERYTHING WITH CASH

The Manns are not alone in having to defer important goals because of heavy debt loads. Medendorp, a social worker in Decatur, Ga., lives on a budget and is diligently paying her bills with the help of a Consumer Credit Counseling Service debt-management plan. She pays for everything with cash. There are many things she'd like to do but can't afford, such as having laser eye surgery, going back to school and buying a home.

''When you get in a tar pit, forget about buying a home,'' author Anthony says. ''Instead of saving for a down payment, you're making credit card payments.''

At a time when the overall U.S. homeownership rate has risen to historic highs, young Americans are less likely than people their age 10 years ago to buy a home. The homeownership rate for heads of households younger than 35 had declined from 41.2% in 1982 to 39.7% in 1999, according to the Census Bureau. And if they own a home, young people tend to make smaller down payments or borrow against what equity they have. As a result, the average amount of equity accumulated by homeowners younger than 35 has shrunk to about $49,200 in 1999, from $57,100 10 years earlier, according to a study from the Consumer Federation of America.

''For middle-income Americans, the most important form of private savings is home equity,'' says Stephen Brobeck, executive director of the Consumer Federation of America. ''It's essential to have paid off a mortgage by retirement so that living expenses are lower and one has an asset that can be borrowed on or sold if necessary.''

By almost every measure, young people are falling behind. Between 1995 and 1998, the median net worth of families rose for all age groups except for the under-35 group. Their median net worth declined from $12,700 to $9,000, according to the Federal Reserve.

That is not to say that young people today are slackers and deadbeats, as they have sometimes been characterized. Many work hard and often make good incomes. Although they may have a lot of debt, they also are very focused on saving and investing, especially through 401(k)-type retirement accounts. Jackson, for example, contributes the maximum to his 401(k) plan.

''They want to protect themselves against future uncertainty,'' Smith says. ''They absolutely don't expect that Social Security will be around for them.''

But it's hard to save money if you are head over heels in debt. Massey earns $32,000 a

year. With her husband, their annual income is more than $100,000. ''But we're still broke trying to pay our bills,'' she says.

By Mr. HARKIN:

S. 892. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels of fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

Mr. HARKIN. Mr. President, I am introducing today legislation designed to address the extensive problems that have been caused by the gasoline additive methyl tertiary butyl ether, MTBE, to make appropriate revisions to the reformulated gasoline, RFG, program in the Clean Air Act, and to increase greatly the use of renewable motor vehicle fuels. The bill is similar to legislation I introduced in the previous Congress.

We have to get MTBE out of our gasoline. This is absolutely clear. Even in Iowa, where we are not required to have oxygenated fuels or RFG, a recent survey found a surprising level of water contamination with MTBE. So my legislation requires a phased reduction in the use of MTBE in motor fuel and then a prohibition of MTBE in fuel or fuel additives beginning three years after enactment.

My legislation recognizes the benefits that have been provided by the oxygen content requirement in the reformulated gasoline program. Oxygen added to gasoline reduces emissions of carbon monoxide, toxic compounds and fine particulate matter. So my legislation continues the oxygen content requirement, but it would allow, in certain circumstances upon a proper showing, averaging of the oxygen content requirement over a period of time up to a year.

The legislation also ensures that all health benefits of the reformulated gasoline program are maintained and improved, and includes very strong provisions to ensure that there is no backsliding in air quality and health benefits from cleaner burning reformulated gasoline. The petroleum companies would also be prohibited from taking the pollutants from gasoline in some areas and putting them back into gasoline in other areas of the country that are not subject to the more stringent air quality standards. Those are referred to as the anti-dumping protections. My bill places tighter restrictions on highly polluting aromatic and olefin content of reformulated gasoline.

My legislation also recognizes the important role of renewable fuels in improving our environment, building energy security for out nation, and increasing farm income, economic growth and job creation, especially in rural areas. The legislation creates a national renewable content requirement for motor vehicle fuel. The requirement would not be a mandate that any particular user of gasoline or diesel fuel has to use the renewable fuel, but it would require the petroleum industry to ensure that renewable fuels make up a certain minimum percentage of the total U.S. supply of motor vehicle fuel, gasoline and diesel fuel. By 2011, that percentage would be about 5 percent on a volume basis, 3.3 percent based on energy content or approximately 10 billion gallons based on current estimates of gasoline and diesel consumption.

Overall, this legislation will get MTBE out of gasoline, maintain and improve the air quality and health benefits of the reformulated gasoline program and the Clean Air Act, and put our nation on a solid path toward greater use of renewable fuels.

I urge my colleagues to support this important legislation.

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. 892

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 ''Clean and Renewable Fuels Act of 2001''.

SEC. 2. USE AND CLEANUP OF METHYL TERTIARY BUTYL ETHER.

(a) IN GENERAL.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

''(5) PROHIBITION ON METHYL TERTIARY BUTYL ETHER AND OTHER ETHER COMPOUNDS.—

''(A) SPECIFIED NONATTAINMENT AREAS.—

''(i) IN GENERAL.—Effective beginning January 1, 2002, a person shall not sell or dispense to ultimate consumers any fuel or fuel additive containing methyl tertiary butyl ether in an area of the United States other than an area described in clause (ii).

''(ii) AREAS.—An area described in this clause is an area that is a specified nonattainment area—

''(I) that is required to meet the oxygen content requirement for reformulated gasoline established under subsection (k); and

''(II) in which methyl tertiary butyl ether was used to meet the oxygen content requirement before January 1, 2001.

''(B) INTERIM PERIOD OF USE OF MTBE IN A FUEL OR FUEL ADDITIVE.—

''(i) PHASED REDUCTION.—

''(I) IN GENERAL.—The Administrator shall promulgate regulations to require—

''(aa) during the 1-year period beginning on the date that is 1 year after the date of enactment of this paragraph, a ⅓ reduction in the quantity of methyl tertiary butyl ether that may be sold or dispensed for use in a fuel or fuel additive;

''(bb) during the 1-year period beginning on the date that is 2 years after the date of enactment of this paragraph, a ⅔ reduction in the quantity of methyl tertiary butyl ether that may be sold or dispensed for use in a fuel or fuel additive; and

''(cc) that in no area does the quantity of methyl tertiary butyl ether sold or dispensed for use in a fuel or fuel additive increase.

''(II) BASIS FOR REDUCTIONS.—Reductions under subclause (I) shall be based on the quantity of methyl tertiary butyl ether sold or dispensed for use in a fuel or fuel additive in the United States during the 1-year period ending on the date of enactment of this paragraph.

''(III) EQUITABLE TREATMENT.—The regulations promulgated by the Administrator under subclause (I) shall, to the maximum extent practicable, provide equitable treatment—

''(aa) on a geographical basis; and

''(bb) among fuel manufacturers, refiners, distributors, and retailers.

''(IV) TRADING OF AUTHORIZATIONS TO SELL OR DISPENSE MTBE.—To facilitate the most orderly and efficient reduction in the use of methyl tertiary butyl ether in a fuel or fuel additive, the regulations promulgated by the Administrator under subclause (I) may allow for persons subject to the regulations to sell to and purchase from each other authorizations to sell or dispense methyl tertiary butyl ether for use in a fuel or fuel additive.

''(ii) LABELING.—

''(I) IN GENERAL.—The Administrator shall promulgate regulations that require any person selling or dispensing gasoline that contains methyl tertiary butyl ether at retail prominently to label the gasoline dispensing system for the gasoline with a notice—

''(aa) stating that the gasoline contains methyl tertiary butyl ether; and

''(bb) providing such information concerning the human health and environmental risks associated with methyl tertiary butyl ether as the Administrator determines to be appropriate.

''(II) PERIOD OF EFFECTIVENESS.—The regulations promulgated under subclause (I) shall be effective during the period—

''(aa) beginning as soon as practicable, but not later than 60 days, after the date of enactment of this paragraph; and

''(bb) ending on the date that is 3 years after the date of enactment of this paragraph.

''(C) PROHIBITION ON USE OF MTBE IN A FUEL OR FUEL ADDITIVE.—Effective beginning on the date that is 3 years after the date of enactment of this paragraph, a person shall not manufacture, introduce into commerce, offer for sale, sell, or dispense a fuel or fuel additive containing methyl tertiary butyl ether or any other ether compound.

''(D) WAIVER.—The Administrator may by regulation waive the prohibition under subparagraph (C) with respect to an ether compound other than methyl tertiary butyl ether if the Administrator determines that the use of the ether compound in a fuel or fuel additive will not pose a significant risk to human health or the environment.

''(E) AREAS OF MTBE CONTAMINATION.—If the Administrator finds that methyl tertiary butyl ether is contaminating or posing a substantial risk of contamination of soil, ground water, or surface water in an area, the Administrator may take such action as is necessary to protect human health and the environment in the area, including requiring a more rapid reduction (including immediate termination) of the quantity of methyl tertiary butyl ether sold or dispensed for use in a fuel or fuel additive in the area than required under subparagraph (A) or (B).

''(F) STATE AUTHORITY TO REGULATE MTBE.—Notwithstanding any other provision of law, a State may impose such restrictions, including a prohibition, on the manufacture, sale, or use of methyl tertiary butyl ether in a fuel or fuel additive as the State determines to be appropriate to protect human health and the environment.''.

(b) REMEDIAL ACTION CONCERNING MTBE CONTAMINATION.—

(1) UNDERGROUND STORAGE TANKS.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by striking paragraph (3) and inserting the following:

''(3) PRIORITY.—In carrying out a corrective action under this subsection, or in issuing an order that requires an owner or operator to carry out a corrective action under this subsection, the Administrator (or

a State under paragraph (7)) shall give priority to a release of petroleum from an underground storage tank that poses the greatest threat to human health, human welfare, and the environment.''.

(2) CLEANUP GUIDELINES.—Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j–1) is amended by adding at the end the following:

''(f) CLEANUP GUIDELINES FOR MTBE.—

''(1) IN GENERAL.—The Administrator—

''(A) shall develop technical guidelines to assist States, local governments, private landowners, and other interested parties in the investigation and cleanup of methyl tertiary butyl ether in soil or ground water; and

''(B) may enter into cooperative agreements with the United States Geological Survey, the Department of Agriculture, States, local governments, private landowners, and other interested parties—

''(i) to establish voluntary pilot projects for the cleanup of methyl tertiary butyl ether and the protection of private wells from contamination by methyl tertiary butyl ether; and

''(ii) to provide technical assistance in carrying out such projects.

''(2) PRIVATE WELLS.—This subsection does not authorize the issuance of guidance or regulations concerning the use or protection of private wells.''.

(3) STATE SOURCE WATER ASSESSMENT PROGRAMS.—Section 1453(a) of the Safe Drinking Water Act (42 U.S.C. 300j–13(a)) is amended by adding at the end the following:

''(8) MTBE CONTAMINATION.—

''(A) IN GENERAL.—The Administrator shall amend the guidance under this subsection to require that State source water assessment programs be revised to give high priority to ground water areas and aquifers that have been contaminated, or are most vulnerable to contamination, by methyl tertiary butyl ether.

''(B) APPROVAL OF REVISIONS.—Each revision under subparagraph (A) shall be submitted and approved or disapproved by the Administrator in accordance with the schedule described in paragraph (3).''.

SEC. 3. OXYGEN CONTENT REQUIREMENT UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) in the first sentence—

(A) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(B) by inserting before the period at the end the following: ''and opt-in areas under paragraph (6)'';

(2) in the second sentence—

(A) by inserting ''and other'' after ''volatile organic''; and

(B) by inserting ''and precursors of toxic air pollutants'' after ''toxic air pollutants''; and

(3) by adding at the end the following:

''(B) WAIVER OF PER-GALLON OXYGEN CONTENT REQUIREMENT.—

''(i) PROCEDURE FOR SUBMISSION OF PETITIONS.—The Administrator shall promulgate regulations that establish a procedure providing for the submission of petitions for—

''(I) a waiver, with respect to an area, of any per-gallon oxygen content requirement established under paragraph (2)(B) or (3)(A)(v); and

''(II) the averaging, with respect to an area, of the oxygen content requirement established under paragraphs (2)(B) and (3)(A)(v) over such period of time, not to exceed 1 year, as is determined appropriate by the Administrator.

''(ii) CRITERIA FOR GRANTING OF PETITIONS.—After consultation with the Secretary of Energy and the Secretary of Agriculture, the Administrator shall grant a petition submitted under clause (i) if the Administrator finds that granting the petition is necessary—

''(I) to avoid a shortage or disruption in supply of reformulated gasoline;

''(II) to avoid the payment by consumers of excessive prices for reformulated gasoline; or

''(III) to facilitate the attainment by an area of a national primary ambient air quality standard.

''(iii) MAINTENANCE OF HUMAN HEALTH AND ENVIRONMENTAL BENEFITS.—The regulations promulgated under clause (i) shall ensure that the human health and environmental benefits of reformulated gasoline are fully maintained during the period of any waiver of a per-gallon oxygen content requirement.''.

SEC. 4. LIMITATIONS ON AROMATICS AND OLEFINS IN REFORMULATED GASOLINE.

Section 211(k)(3)(A) of the Clean Air Act (42 U.S.C. 7545(k)(3)(A)) is amended—

(1) by striking clause (ii) and inserting the following:

''(ii) AROMATICS.—

''(I) IN GENERAL.—The aromatic hydrocarbon content of the reformulated gasoline shall not exceed 22 percent by volume.

''(II) AVERAGE.—The average aromatic hydrocarbon content of the reformulated gasoline shall not exceed the average aromatic hydrocarbon content of reformulated gasoline sold in covered areas for use in baseline vehicles when using reformulated gasoline during either calendar year 1999 or calendar year 2000.

''(III) MAXIMUM PER GALLON.—No gallon of reformulated gasoline shall have an aromatic hydrocarbon content in excess of 30 percent.''; and

(2) by adding at the end the following:

''(vi) OLEFINS.—

''(I) IN GENERAL.—The olefin content of the reformulated gasoline shall not exceed 8 percent by volume.

''(II) AVERAGE.—The average olefin content of the reformulated gasoline shall not exceed the average olefin content of reformulated gasoline sold in covered areas for use in baseline vehicles when using reformulated gasoline during either calendar year 1999 or calendar year 2000.

''(III) MAXIMUM PER GALLON.—No gallon of reformulated gasoline shall have an olefin content in excess of 10 percent.''.

SEC. 5. MODIFICATION OF PERFORMANCE STANDARDS.

Section 211(k)(3)(B) of the Clean Air Act (42 U.S.C. 7545(k)(3)(B)) is amended—

(1) in the last sentence of clause (i), by inserting before the period at the end the following: '', and, to the maximum extent practicable using available science, determined on the basis of the ozone-forming potential of volatile organic compounds and taking into account the effect on ozone formation of reducing carbon monoxide emissions''; and

(2) in clause (ii)—

(A) in the first sentence, by inserting '', or precursors of toxic air pollutants,'' after ''toxic air pollutants'' each place it appears;

(B) in the second sentence, by inserting before the period at the end the following: '', or precursors of toxic air pollutants'';

(C) in the third sentence, by inserting '', or precursors,'' after ''such air pollutants''; and

(D) in the last sentence, by inserting before the period at the end the following: '', and, to the maximum extent practicable using available science, determined on the basis of the relative toxicity or carcinogenic potency, whichever is more protective of human health and the environment''.

SEC. 6. ANTI-BACKSLIDING.

(a) IN GENERAL.—Section 211(k)(3)(B) of the Clean Air Act (42 U.S.C. 7545(k)(3)(B)) is amended—

(1) in the last sentence, by striking ''Any reduction'' and inserting the following:

''(iii) TREATMENT OF GREATER REDUCTIONS.—Any reduction''; and

(2) by adding at the end the following:

''(iv) ANTI-BACKSLIDING PROVISION.—

''(I) IN GENERAL.—Not later than October 1, 2001, the Administrator shall revise performance standards under this subparagraph as necessary to ensure that—

''(aa) the ozone-forming potential, taking into account all ozone precursors (including volatile organic compounds, oxides of nitrogen, and carbon monoxide), of the aggregate emissions during the high ozone season (as determined by the Administrator) from baseline vehicles when using reformulated gasoline does not exceed the ozone-forming potential of the aggregate emissions during the high ozone season from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasoline sold in calendar year 2000 and subsequent calendar years; and

''(bb) the aggregate emissions of the pollutants specified in subclause (II), or precursors of those pollutants, from baseline vehicles when using reformulated gasoline do not exceed the aggregate emissions of those pollutants, or precursors, from baseline vehicles when using reformulated gasoline that complies with the regulations that were in effect on January 1, 2000, and were applicable to reformulated gasolines sold in calendar year 2000 and subsequent calendar years.

''(II) SPECIFIED POLLUTANTS.—The pollutants specified in this subclause are—

''(aa) toxic air pollutants, categorized by degree of toxicity and carcinogenic potency;

''(bb) particulate matter (PM–10) and fine particulate matter (PM–2.5);

''(cc) pollutants regulated under section 108; and

''(dd) such other pollutants, and precursors to pollutants, as the Administrator determines by regulation should be controlled to prevent the deterioration of air quality and to achieve attainment of a national ambient air quality standard in 1 or more areas.

''(III) ADJUSTMENT FOR EMISSIONS OF CARBON MONOXIDE.—

''(aa) IN GENERAL.—In carrying out subclause (I), the Administrator shall adjust the performance standard for emissions of volatile organic compounds under this subparagraph to account for emissions of carbon monoxide that are greater than or less than the carbon monoxide baseline determined under item (bb).

''(bb) CARBON MONOXIDE BASELINE.—The carbon monoxide baseline shall be equal to the mass carbon monoxide emissions achieved by reformulated gasoline that contains 2 percent oxygen by weight and meets the other performance standards under this subparagraph.''.

(b) REFORMULATED GASOLINE CARBON MONOXIDE REDUCTION CREDIT.—Section 182(c)(2)(B) of the Clean Air Act (42 U.S.C. 7511a(c)(2)(B)) is amended by adding at the end the following: ''An adjustment to the volatile organic compound emission reduction requirements under section 211(k)(3)(B)(iv) shall be credited toward the requirement for VOC emissions reductions under this subparagraph.''.

SEC. 7. CERTIFICATION OF FUELS AS EQUIVALENT TO REFORMULATED GASOLINE.

Section 211(k)(4)(B) of the Clean Air Act (42 U.S.C. 7545(k)(4)(B)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately to reflect the amendments made by this section;

(2) by striking ''The Administrator'' and inserting the following:

''(i) IN GENERAL.—The Administrator'';

(3) in clause (i) (as designated by paragraph (2))—

(A) in subclause (I) (as redesignated by paragraph (1)), by striking '', and'' and inserting a semicolon;

(B) in subclause (II) (as redesignated by paragraph (1))—

(i) by striking ''achieve equivalent'' and inserting the following: ''achieve—

''(aa) equivalent'';

(ii) by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(bb) combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide that result in a reduction in ozone concentration, as provided in clause (ii)(I), that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3);''; and

(C) by adding at the end the following:

''(III) achieve equivalent or greater reductions in emissions of toxic air pollutants, or precursors of toxic air pollutants, than are achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3); and

''(IV) meet the requirements of paragraph (3)(B)(iv).''; and

(4) by adding at the end the following:

''(ii) CARBON MONOXIDE CREDIT.—

''(I) IN GENERAL.—In determining whether a fuel formulation or slate of fuel formulations achieves combined reductions in emissions of ozone forming volatile organic compounds and carbon monoxide in an area that result in a reduction in ozone concentration that is equivalent to or greater than the reduction in ozone concentration achieved by a reformulated gasoline meeting the applicable requirements of paragraph (3) in the area, the Administrator—

''(aa) shall consider, to the extent appropriate, the change in carbon monoxide emissions from baseline vehicles attributable to an oxygen content in the fuel formulation or slate of fuel formulations that exceeds any minimum oxygen content requirement for reformulated gasoline applicable to the area; and

''(bb) may consider, to the extent appropriate, the change in carbon monoxide emissions described in item (aa) from vehicles other than baseline vehicles.

''(II) OXYGEN CREDITS.—Any excess oxygen content that is taken into consideration in making a determination under subclause (I) may not be used to generate credits under paragraph (7)(A).

''(III) RELATION TO TITLE I.—Any fuel formulation or slate of fuel formulations that is certified as equivalent or greater under this subparagraph, taking into consideration the combined reductions in emissions of volatile organic compounds and carbon monoxide, shall receive the same volatile organic compounds reduction credit for the purposes of subsections (b)(1) and (c)(2)(B) of section 182 as a fuel meeting the applicable requirements of paragraph (3).''.

SEC. 8. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) NONCLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon the application of the Governor of a State, the Administrator shall apply the prohibition specified in paragraph (5) in any area in the State that is not a covered area or an area referred to in subparagraph (A)(i).

''(ii) PUBLICATION OF APPLICATION.—As soon as practicable after receipt of an application under clause (i), the Administrator shall publish the application in the Federal Register.''.

SEC. 9. UPDATING OF BASELINE YEAR.

(a) IN GENERAL.—Section 211(k)(8) of the Clean Air Act (42 U.S.C. 7545(k)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) REGULATIONS.—

''(i) EMISSIONS.—The Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline ensuring that gasoline sold or introduced into commerce by the refiner, blender, or importer (other than reformulated gasoline subject to the requirements of paragraph (1)) does not result in average per gallon emissions of—

''(I) volatile organic compounds;

''(II) oxides of nitrogen;

''(III) carbon monoxide;

''(IV) toxic air pollutants;

''(V) particulate matter (PM–10) or fine particulate matter (PM–2.5); or

''(VI) any precursor of a pollutant specified in subclauses (I) through (V);

in excess of such emissions of such pollutants attributable to gasoline sold or introduced into commerce in calendar year 1999 or calendar year 2000, in whichever occurred the lower of such emissions, by that refiner, blender, or importer.

''(ii) MEASUREMENT OF AVERAGE PER GALLON EMISSIONS.—For the purposes of clause (i), average per gallon emissions shall be measured on the basis of—

''(I) mass; and

''(II) to the maximum extent practicable using available science—

''(aa) ozone-forming potential;

''(bb) degree of toxicity; and

''(cc) carcinogenic potency.

''(iii) AROMATIC HYDROCARBON CONTENT AND OLEFIN CONTENT.—The Administrator shall promulgate regulations applicable to each refiner, blender, or importer of gasoline ensuring that gasoline sold or introduced into commerce by the refiner, blender, or importer (other than reformulated gasoline subject to the requirements of paragraph (1)) does not have an aromatic hydrocarbon content or olefin content in excess of such content of gasoline sold or introduced into commerce in calendar year 1999 or calendar year 2000, in whichever occurred the lower of such content, by that refiner, blender, or importer.'';

(2) in subparagraph (C)—

(A) by striking ''clauses (i) through (iv)'' and inserting ''subclauses (I) through (VI) of subparagraph (A)(i)'';

(B) by inserting ''or volatile organic compounds'' after ''nitrogen''; and

(C) by striking ''(on a mass basis)'' and inserting ''(as measured in accordance with subparagraph (A)(ii))''; and

(3) in subparagraph (E)—

(A) by striking ''calendar year 1990'' and inserting ''calendar year 1999 or calendar year 2000 (as determined under subparagraph (A)(i))''; and

(B) by striking ''such 1990 gasoline'' and inserting ''such 1999 or 2000 gasoline''.

(b) REGULATIONS.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the regulations promulgated under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) to reflect the amendments made by subsection (a).

SEC. 10. RENEWABLE CONTENT OF GASOLINE AND DIESEL FUEL.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.—

''(1) IN GENERAL.—

''(A) REGULATIONS.—Not later than September 1, 2001, the Administrator shall promulgate regulations applicable to each refiner, blender, or importer of motor vehicle fuel to ensure that motor vehicle fuel sold or introduced into commerce in the United States by the refiner, blender, or importer complies with the renewable content requirements of this subsection.

''(B) RENEWABLE CONTENT REQUIREMENTS.—

''(i) IN GENERAL.—All motor vehicle fuel sold or introduced into commerce in the United States by a refiner, blender, or importer shall contain, on a semiannual average basis, a quantity of fuel derived from a renewable source, measured on a gasoline-equivalent energy content basis (as determined by the Secretary of Energy) that is not less than the applicable percentage by volume for the semiannual period.

''(ii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a semiannual period of a calendar year shall be determined in accordance with the following table:

''Calendar year:	Applicable percentage of fuel derived from a renewable source:
2001	0.8
2002	1.0
2003	1.2
2004	1.4
2005	1.6
2006	1.8
2007	2.1
2008	2.4
2009	2.7
2010	3.0
2011 and thereafter	3.3.

''(C) FUEL DERIVED FROM A RENEWABLE SOURCE.—For the purposes of this subsection, a fuel shall be considered to be derived from a renewable source if the fuel—

''(i) is produced from—

''(I) agricultural commodities, agricultural products, or residues of agricultural commodities or agricultural products;

''(II) plant materials, including grasses, fibers, wood, and wood residues;

''(III) dedicated energy crops and trees;

''(IV) animal wastes, animal byproducts, and other materials of animal origin;

''(V) municipal wastes and refuse derived from plant or animal sources; and

''(VI) other biomass; and

''(ii) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine.

''(D) CREDIT PROGRAM.—

''(i) IN GENERAL.—The regulations promulgated under this subsection shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports motor vehicle fuel that contains, on a semiannual average basis, a quantity of fuel derived from a renewable source that is greater than the quantity required under subparagraph (B).

''(ii) USE OF CREDITS.—The regulations shall provide that a person that generates the credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with subparagraph (B).

''(iii) REGULATIONS TO PREVENT EXCESSIVE GEOGRAPHICAL CONCENTRATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may promulgate regulations governing the generation and trading of credits described in clause (i) in order to prevent excessive geographical concentration in the use of fuel derived from a renewable source that would tend unduly—

''(I) to affect the price, supply, or distribution of such fuel;

''(II) to impede the development of the renewable fuels industry; or

''(III) to otherwise interfere with the purposes of this subsection.

''(2) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (1)(B) with respect to an area in whole or in part on petition by a State—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that—

''(I) implementation of the requirements would severely harm the economy or environment of the area; or

''(II) there is an inadequate domestic supply or distribution capacity with respect to fuel from renewable sources in the area to meet the requirements of paragraph (1)(B); and

''(ii) only after a determination by the Administrator that use of the credit program described in paragraph (1)(D) would not adequately alleviate the circumstances on which the petition is based.

''(B) APPROVAL.—The Administrator shall approve a waiver under subparagraph (A) only to the extent necessary to—

''(i) avoid severe economic or environmental harm; or

''(ii) equalize demand with supply or distribution capacity.

''(C) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

''(i) shall approve or deny a State petition for a waiver of the requirements of paragraph (1)(B) within 180 days after the date on which the petition is received; but

''(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

''(D) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate on the earlier of—

''(i) the date on which the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, determines that the reason for the waiver no longer exists; or

''(ii) the date that is 1 year after the date on which the waiver is granted.

''(3) REPORTS TO CONGRESS.—Not less often than every 3 years, the Administrator shall—

''(A) in consultation with the Secretary of Agriculture, submit to Congress a report that describes—

''(i) the impact of implementation of this subsection on—

''(I) the demand for farm commodities, biomass, and other materials used for producing fuel derived from a renewable source; and

''(II) the adequacy of food and feed supplies; and

''(ii) the effect of implementation of this subsection on farm income, employment, and economic growth, particularly in rural areas; and

''(B) in consultation with the Secretary of Energy, submit to Congress a report that—

''(i) describes greenhouse gas emission reductions that result from implementation of this subsection; and

''(ii) assesses the effect of implementation of this subsection on United States energy security and reliance on imported petroleum.''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 89—EXPRESSING THE SENSE OF THE SENATE WELCOMING TAIWAN'S PRESIDENT CHEN SHUI-BIAN TO THE UNITED STATES

Mr. TORRICELLI (for himself, Mr. HELMS, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 89

Whereas for more than 50 years a close relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic advantage to both countries;

Whereas the United States and Taiwan share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas Taiwan has demonstrated an improved record on human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, and free and fair elections routinely held in a multiparty system, as evidenced by the election on March 18, 2000, of Mr. Chen Shui-bian as Taiwan's new president; and

Whereas the upcoming May 21 visit to the United States of Taiwan's President Chen Shui-bian is another significant step in the broadening of relations between the United States and Taiwan: Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes Taiwan's President Chen Shui-bian upon his visit to the United States;

(2) requests president Chen Shui-bian to communicate to the people of Taiwan the support of the United States Congress and of the American people; and

(3) recognizes that the visit of Taiwan's President Chen Shui-bian to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and Taiwan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 15, 2001, to conduct a hearing on the nomination of Mr. Alphonso R. Jackson, of Texas, to be Deputy Secretary of Housing and Urban Development; Mr. Richard A. Hauser, of Maryland, to be General Counsel of the Department of Housing and Urban Development; Mr. John Charles Weicher, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development and serve as the Federal Housing Commissioner; and the Honorable Romolo A. Bernardi, of New York, to be Assistant Secretary of Housing and Urban Development for Community Planning and Development.

The committee will also vote on the nomination of Mr. John E. Robson, of California, to be President of the Export-Import Bank; Mr. Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for domestic finance; and Mr. James J. Jochum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 15, at 9:30 a.m., to conduct an oversight hearing. The committee will consider national energy policy with respect to Federal, State, and local impediments to the siting of energy infrastructure.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, May 15, 2001, at 2:30 p.m., to receive testimony on the FY02 budget and priorities of the Environmental Protection Agency.

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

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 15, 2001, to mark up the Taxpayer Relief Act.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the sessions of

the Senate on Tuesday, May 15, 2001, at 10 a.m., for a hearing regarding the Financial Outlook of the United States Postal Service.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, May 15, 2001, at 2 p.m., in Dirksen 226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 15, 2001, at 10 a.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EMERGENCY THREATS AND CAPABILITIES

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 15, 2001, at 2:30 p.m., in open and closed sessions to receive testimony on the Department of Energy's defense nuclear nonproliferation programs, in review of the defense authorization request for fiscal year 2002 and the future years defense program.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Travis Sullivan, a fellow in Senator CANTWELL's office, be granted floor privileges during the consideration of S. 1, the Elementary and Secondary Education Act.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Janet Whitehurst of my staff be granted the privilege of the floor during the remainder of the debate on S. 1.

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

THE EDUCATION BILL

Mr. JEFFORDS. Mr. President, we have several important amendments pending, but I would like to spend a few minutes discussing the very heart of the bill: Accountability and assessments. I believe the bill before us is the most dramatic reform of the Elementary and Secondary Education Act since 1965. I would like everyone to understand what is in this bill so they can understand how dramatic an impact it will have upon every school in this Nation.

For the first time, we will require all children in grades 3–8 to be annually assessed, and that schools, districts, and States will face consequences if they fail to improve the performance of their students.

Each year—year in, year out—every level of education will be held accountable for showing measurable progress for each group of students they serve. This is the central feature of the legislation, and yet, to judge from press reports and editorials, it is very poorly understood.

I want to do what I can this evening to make sure it is widely understood in this Nation how dramatic the changes are for which we are about to vote.

I am not probably known for unwavering support for the President's agenda, nor, I hope, am I known for going out of my way to criticize the press. But I rise today both to defend the President and to suggest that the press has been sloppy in its reporting and editorial writing on what should be the central issue of the story, education reform.

For the past week or two, there have been a few press accounts and editorials implying that somehow the President or the Senate has caved to pressure, has watered down the standards in this bill, or has walked away from real reform.

In fairness to the press, I realize this is a difficult subject to cover. The topic can be a bit dense, and there is no real bright line as to the kind of progress we can expect from students and schools.

On Thursday, the lead editorial in USA Today read: ''Congress Set to Dilute Education Reform,'' while the subhead read: ''Lawmakers gut school accountability, turn backs on minorities.''

That editorial is but one example of what I think is the lack of understanding about this bill, especially, it seems, in the press. And while my opinion, of course, is just that, it is based on a wealth of data that can be verified independently. Not only do I think it can be verified, I think it is the obligation of the press to do so before it makes value-laden judgments.

In order to understand where we are, a bit of background is necessary. The major education proposals before the Congress have at their core the requirement that States and schools set high standards in core subject matters and that they measure whether students are achieving those standards; further, that we pay particular attention to the progress of our lowest-achieving students. In other words, we are going to look at the groups of students, as well as the students on a general basis, to make sure that no child is left behind.

As reported from committee, both H.R. 1 and S. 1 contain the notion that all students would be proficient in math and reading in 10 years and that a school or school district or State that failed to meet this standard would be deemed to have failed—let me repeat that—and that a school or school district or State that failed to meet this standard would be deemed to have failed.

Further, progress in meeting this goal would be monitored on an annual basis. If a school or district or State failed to make the so-called adequate yearly progress—a term I will use over and over again, ''adequate yearly progress,'' or, for short, AYP—it would be identified as needing school improvement—another phrase to remember—or subject to sanctions if improvement efforts failed.

The concept of AYP is an important one because adequate yearly progress is the bar for judging whether a school or district or State has succeeded or failed.

Legislating that all students should be proficient in 10 years is a wonderful goal, and perhaps for this reason none of us really gave it much thought. Having been involved in the passage of the Goals 2000 Act some years ago, having served on the national goals panel, I must confess that I have become a little wiser about our ability to achieve wonderful goals.

For my colleagues who may not be familiar with the Goals 2000 Act, in it we codified very ambitious goals that we hoped to achieve by the year 2000. For example, back in 1994, we called for our students to be first in the world in math and science—that was a big goal, a goal that we are so far from having fulfilled—and that all students leaving 4th, 8th, and 12th grades would do so with demonstrated competency in challenging subject matter, including English, math, science, foreign language, and so on, all by the year 2000.

Well, 2000 has come and gone. In my view, we have made only limited progress in reaching those goals. We have a long way to go, especially in these goals directly relating to academics. I don't think the lesson to take from this experience is that goals are a bad idea. Rather, I think the lesson is that an unrealistic goal, linked to very real consequences, is a bad idea.

The goal contained in S. 1, as it was reported from the HELP Committee, that all students would be proficient in 10 years, was both admirable and entirely unrealistic. That will explain why we have done what we have. It gives me no great pleasure to say this. I have spent a good part of my career in a continuing effort to improve education for all students, beginning in my very first year in Congress in 1975. Like anyone, I take some pride in my work. I would much rather correct a glaring problem in a piece of legislation before it is reported from my committee, but as has been noted before, wisdom is a rare commodity which should not be rejected merely because it arrives late.

Unlike some of the issues we confront in this Chamber, we have a solid amount of experience in the results of education reform and educational assessment. The same year we put in place the national education goals, we

also passed the last reauthorization of ESEA. Among other things, that reauthorization required annual assessments of students served by title I; that is, for economically disadvantaged students. Combined with the efforts of States and especially leaders from Connecticut and North Carolina and Texas, we have a good idea of what States can accomplish.

Thanks to the Internet, which effectively didn't exist during the last reauthorization, it is a simple matter to examine what States and schools have been able to achieve and how they compare with the standards we are contemplating in this legislation.

What you will find when you do so is that the standard we have set in our bill, expecting every child to be proficient in reading and math in 10 years, was simply not going to happen unless States dramatically dumbed down their tests. Moreover, because States used different criteria for determining proficiency, some States would encounter tremendous hurdles relative to other States, as we tried to overlay one Federal goal on top of 50 very different State systems of measurement.

A good example of this is in the comparison of the States of Texas and Missouri. According to the National Assessment of Education Progress, or NAEP, students in Texas and Missouri are almost identical in their reading ability. Yet the two States' assessments could hardly have been more different.

In 1998, when the NAEP reading test was given, Texas, by its own test, judged 79 percent of its students proficient, while Missouri, by its tests, rated only 29 percent of its students proficient in reading. Neither State is right or wrong. The point is, they have very different standards.

Yet the way our bill emerged from committee, Missouri students would have been expected to make 2½ times the gains of the students from Texas each year merely because their State had set a higher bar for proficiency.

Whether a State was expected to make proficiency gains of 7 percentage points a year, such as Missouri, or 2 percentage points, such as Texas, matters little. As it turned out, of the 20 or so States we looked at, no State achieved a level of AYP, annual yearly progress, required by the committee-reported bill.

Not surprising, what was true at the State level for all students was even more true as the sample size declined. Either by looking at various student subgroups or districts or schools themselves, random samples of schools in Connecticut and North Carolina and Texas revealed that almost no school would make adequate yearly progress under our original definition; our original definition meaning later on we changed it. We had to.

I should note here, my remarks focusing on certain States should be taken as a compliment. The three States I just mentioned are widely recognized as being leaders in education reform. Their data goes back for several years. And in the case of North Carolina and Texas, that data is broken out by many of the categories that would be required under our legislation.

My own State of Vermont, which has been working very hard at education reform and assessments over the past several years, would also fail to make annual yearly progress. So would every other State based on the progress even leading States have been able to make.

Some self-styled education reformers have argued that we should not have abandoned the committee report approach, even in the face of this evidence that every school, practically, in the United States would fail. But it is a mystery to me how you can have education reform if every school and every school district and every State is labeled a failure. Resources would be diluted; chaos would result, as every title I school would be steered into corrective action and reconstituted under the bill. Reconstitution means that you tear it all apart. You create a charter school. You fire all the teachers, whatever else. You have to do something that dramatic, with the entire staff being fired, maybe.

Those teachers with seniority rights would no doubt exercise their bumping rights to land a position in another school. This mass firing and dislocation of teachers would come amidst what most people see as a looming teacher shortage. All over the country, we know that our teachers are getting older and fewer and fewer are coming into the field of teaching. Thus, we are going to have problems in that, which is another issue we will have to face later.

This is not good education policy. This is madness. But we were all so intent on proving how tough we could be improving education that for a long time nobody seemed to be willing to admit we were wrong.

The President, to his everlasting credit, saw the problem and was willing to try to address it. He has stuck by that decision in spite of the often ill-informed treatment he has received from the press. He has chosen the substance of education reform over its political symbolism.

The President and anyone engaged in education reform for very long knows that a goal of education reform must be significant, continuous improvement. And to get it, you need to focus your efforts on the schools that need the most help. Monstrous gains from one year to the next, year in and year out, simply do not happen in the real world. In the real world, our schools are battling poverty, violence, drugs, unstable families, apathetic parents, engaged parents, with more than one job, television, turnover, and all manner of impediments. We cannot throw in the towel, but neither can we legislate miracles.

The substitute amendment pending before the Senate tries to set ambitious but realistic goals for school improvement. If they are adopted, we will all see the results in a few years. I would wager today that we will not look back with regret for setting the bar too low. My own view is that the greatest likelihood is that we will swamp the system by identifying too many schools and States as failing.

But we have reached a compromise on this issue and I will support it, in the firm hope that time will prove me wrong and this bill will not over-identify schools as failing.

The substitute amendment sets our two tests for meeting AYP. First, states must establish a formula that measures progress against the goal of 100 percent proficiency for all students in a decade. Many States already have such formulae in place, so they may have to make some adjustments to their existing approaches. The state-determined formula must give greater weight to improving the performance of the poorest performing students. Quite sensibly, greater weight should be given to greater gains. And the driving factor behind a formula must be the performance on assessments.

The second prong of the AYP definition is designed to ensure that no matter how a State formula is constructed, in order to show adequate yearly progress, the State and its schools and districts will be required to achieve at least a one percentage point gain in proficiency for each group of students, every year.

Let me briefly address the notion that our proposal permits schools to hide the performance of low-performing minorities.

Simply put, this notion is rubbish. The disaggregated scores of groups of students must be reported for schools, districts and states. As a result, parents and the public at large will know exactly how groups of students are performing.

What are these groups? They are based on race, ethnicity, gender, migrant status, limited English proficiency, low-income status and disability. The performance of each of these groups will be measured and disclosed through various means, including the Internet.

We're not hiding the results, we're putting them on a worldwide billboard.

A school will be deemed to have failed to make adequate yearly progress if it fails to make progress for disabled students, for limited English proficient students, for low-income students, and for racial and ethnic groups of students in each subject assessed.

There are easily a dozen different ways a typical school can fail to make adequate yearly progress under the approach taken in the pending substitute.

Making a one percentage point gain in the achievement year after year for every subgroup is a daunting task. Very few states have easily accessible data at the school level by the various subgroups for which this bill will require measurement and consequences.

But the few that do indicate it will be a high standard indeed.

Even at the State level, this kind of continuous improvement has proven elusive for almost every State, even those that are held up as examples of states committed to reform.

The Education Trust recently published a study of how well States have done in closing the achievement gap between white and minority students. As part of that study, it looks at the states making the largest gains in minority math achievement as measured by NAEP.

According to the Education Trust, eight States made above average gains in 4th grade math for African American students. They were: Massachusetts, Michigan, Texas, Iowa, North Carolina, Connecticut, Indiana, and Louisiana.

Most of these States are generally recognized as being in the forefront of education reform efforts in our country.

They also share this distinction. Each of them would be deemed a failure under the committee reported bill.

Let me repeat that. The eight states that did the best job in improving math instruction for black students would all fail if you held them to a standard of reaching 100 percent proficiency for all students.

I have with me a few charts that illustrate my point. In each, the most recent data available is used, and it is compared to what it would take to reach 100 percent proficiency over 10 years. The charts go back in time as far as readily available comparable data permits. Again, these are some of the very best, most committed States.

If you go across the chart, you will find that in 1999, which is the year from 1998–1999, it shows failure because the progress was not there from 1998, and the actual progress was 11.5 and total required progress was 8.8. I get a little confused with the charts, and I suspect everybody will.

Let's go to Iowa. It shows that their annual required progress was a 2.76 improvement. You will notice that as you go along, starting out with 72.45, if you add all the red, it is because they didn't make the 2.76 improvement all the way across, and actually they are missing about 16.56 percent. Then you can break it down by groups. You can see all the way down male, female, and you go to mathematics and so forth. But they are failing.

Connecticut is the same. Connecticut has one of the most impressive educational systems, but you will see there from looking back to the annual progress, they fail right across the board for all those years. We thought they were one of the best. That gives you an idea of what we are looking at, which will show that we have really an incredibly strict piece of legislation.

Massachusetts failed to make progress in reading, and actually lost a little ground in math.

Michigan, in 1999, failed in math and reading.

Texas failed in both subjects in every year but 1997.

Iowa has failed for 5 years running in both subjects.

North Carolina failed to make AYP in both 1999 and 2000.

Connecticut would have failed to make AYP for 5 years running.

Indiana has lost ground in reading and math, and would have failed for 3 years running.

In Louisiana, given the high bar it sets for proficiency, its gains from 1999 to 2000 don't come close to meeting AYP.

To sum up, every States fails.

So for the press to come out and say that we have weakened the standards and somehow we are not going to be stiff enough, they have to understand that under this bill it is going to be very difficult for the States to comply.

These are the results that drove us to amend the committee-reported bill. We didn't do so because of pressure from Governors or any alllegiance to the status quo. We did so because facts are stubborn things. And the facts show that no State has made, or will make, the kind of gains called for in the original bill. Has the substitute set the bar too low? That's a fair question. Again, I think it has to be answered by what the best schools and States can achieve. And again, I think we have set a very high bar.

A look at a random sample of school districts deemed ''exemplary'' in Texas shows that they nearly all fail to make one percentage point gains each year, for each group. That might be explained by the fact that when a school's students are at 90 or 95 percent proficiency, either all students or a group or two will fluctuate up and down. But a look at lower-performing Texas schools, those deemed only ''acceptable,'' yields the same result. If you look at a dozen, probably only one will make AYP.

The same holds true for Connecticut schools and districts.

I have a chart that looks at the committee-reported standard, in which all schools and districts failed. But the results are only marginally different with a 1 percent standard. In the case of Connecticut, the data we have does not show student subgroup performance, which will show gains above and below the average performance, but overall not that good. North Carolina shows the same results. The areas that are darker are the problem areas with no success shown. We looked at the first dozen or so school districts in that State. As our chart shows, all but one failed to make AYP based on the performance of all students in either math or reading.

We found one district did make AYP on the basis of all students, but when you look at the performance of the subgroups of students as we do in the chart for the district, it failed to make a uniform 1 percentage point gain, both for some of the lower performing groups, but also for the highest one.

The purpose behind my remarks is not to leave all of us discouraged, but to try to illustrate that even where you have the best efforts at educational reform, improving educational performance is a very hard task, and we cannot expect miracles.

Our efforts should be ambitious but anchored to what we know schools can achieve.

If we enact a system that labels all schools failures, then it is we who have failed.

On the other hand, if they have not already done so, I hope my colleagues in the Senate will take some time to talk with educators in their State about this issue. And I hope the very capable people in the press who write on this issue will spend a little more time in trying to connect the varying claims in this debate to the rich amount of experience that is easily available.

I thank my colleagues for their attention.

I took the time this evening to allow people to have the full story so as to better understand, especially when the press says we have watered down the standards. They can make that argument, but if you realized how strict they were to start with and if you realized the present status of our schools, you would understand that had we not done this, it would have been devastating and probably so deflating that we would have chaos.

We have tried to come up with what we believe are the improvements that are capable of being performed by the schools. I point out, as I have pointed out to my colleagues continuously, that is why it is incredibly important we make sure the resources are there for these schools to make the changes to live up to the President's program.

I urge everyone to follow the costs that are going to be incurred and to talk with the officials in their States to see what resources they believe will be necessary to make sure that every child in that State has an opportunity to be a successful student.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MEASURE PLACED ON THE CALENDAR—S. 872

Mr. JEFFORDS. Mr. President, there is a bill at the desk due for its second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 872) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal

Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Mr. JEFFORDS. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: The Senator from New Hampshire (Mr. SMITH); the Senator from Kansas (Mr. BROWNBACK); the Senator from Arkansas (Mr. HUTCHINSON); the Senator from Oregon (Mr. SMITH); and the Senator from Nebraska (Mr. HAGEL), Chairman.

The Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, pursuant to Public Law 102–246, appoints Leo Hindery, Jr., of California, to the Library of Congress Trust Fund Board, vice Adele Hall of Kansas.

ORDERS FOR WEDNESDAY, MAY 16, 2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, May 16. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10 a.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator ROBERTS, or his designee, the first 15 minutes; Senator DURBIN, or his designee, the second 15 minutes.

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

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, the Senate will be in a short period for morning business beginning at 9:30 a.m. during tomorrow's session. It is expected that the Senate will begin consideration of the reconciliation bill. Senators will be notified as to when debate will begin on that legislation. Under the rule, there are 20 hours for consideration of that bill. Amendments will be offered, and therefore votes are expected throughout the day and into the evening.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 7:19 p.m., recessed until Wednesday, May 16, 2001, at 9:30 a.m.