United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, MAY 16, 2001 No. 67

Senate

(Legislative day of Tuesday, May 15, 2001)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

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

Holy God, show us Your high intent and keep us from ever being easily content. This is Your Nation; we are here to serve You. Just as Daniel Webster said that the greatest conviction of his life was that he was accountable to You, we press on with intentionality in the duties and deliberations of this day. We want to know what You desire in everything we do and say. Make us aware that You are the unseen guest at every meeting, the silent observer of all our actions, and the careful listener at every conversation. Heighten our awareness not only of Your presence but also of Your power. Give us courage to attempt what only You could help us achieve. Renew our enthusiasm, reinvigorate our vision, revitalize our patriotism, and replenish our strength. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 16, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the Senator from Kansas is to be recognized to speak for 15 minutes.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

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

SCHEDULE

Mr. NICKLES. Mr. President, today the Senate will be in a period of morning business until 10 a.m. At 10 this morning, the Senate will resume consideration of S. 1, the education bill. Senators should expect rollcalls throughout the day with respect to amendments to the education bill.

Also, as a reminder, the tax reconciliation bill was reported out of the Finance Committee last night. It is expected that the Senate will begin consideration of that measure on Thursday. The majority leader hopes that significant progress can be made on the bill on Thursday with the expectation of completing the reconciliation bill on Monday.

In addition, the majority leader is expecting that the Senate will complete action on the education bill next week prior to the Memorial Day recess. I thank my colleagues for their attention.

I just mention that both of these bills, the reconciliation bill and the education bill, are two of the more important issues we will be taking up this entire session. It is our intention to complete both of them by the end of next week. That will take a lot of cooperation and attentiveness by all Members. I encourage Members if they have their amendments to bring them forward. Let us not spend a lot of time on them, complete the amendments on the education bill and on the reconciliation bill so we can give some good news to taxpayers and to everyone who is interested in improving education.

Mr. President, I thank my colleagues for their attention.

Mr. REID. Mr. President, before my colleague leaves the floor, we on this side understand the importance of the education bill. We are doing our best to work through it. I think we have made good progress. We have had some short days which has interfered a little bit, but I think we are down to the end of that and we should be able to wrap it up next week. I would say to my friend—and I hope the majority understands this—we understand the importance of reconciliation. The American people deserve a tax cut. They are going to get one. The only thing I would add is that we have to make sure we are able to read the documents; we have a little bit of time to look at

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

Printed on recycled paper.

them. My suggestion, to avoid problems that some would call dilatory, others would call necessity, would be that we take this matter up as early on Monday morning as possible and finish it on Tuesday. Maybe we could even finish it Monday night with a long day. I hope we are not forced to do this bill by not having an opportunity to look at it. As you know, with the budget, we had some problems because we didn't have a chance to see it. Our problems over here were very minimal. On the House side, they had a lot of problems because they tried to jam that bill through.

So I say to my friend that I hope we have time to look at it. We understand there is a timeframe that we must work under. We have 20 hours. In addition to that, we have the break coming up. The leaders on the majority side want to finish this most important legislation prior to that time. I accept that. All I am saying is let us have enough time that we can tell people over here, with some degree of certainty, how big it is; that they will have an opportunity to look at parts they are interested in and have the staff review the whole bill.

Mr. NICKLES. Mr. President, I appreciate my friend and colleague's suggestion. I will just mention a couple of things. One, the bill that passed the Finance Committee last night passed by a vote of 14–6, a bipartisan bill by every definition. The bill that passed last night in the Finance Committee is the same one introduced by Chairman GRASSLEY and ranking member BAUCUS last Friday. It hasn't really changed. The information from the Joint Tax Committee is available. The analysis of the bill is available. The bill itself has now been reported, but it hasn't changed. We did not change one provision. Not one amendment was adopted, so people don't have to worry about all the things that are different. It is a pretty simple bill. The rate reductions are pretty simple. They are there. They are not quite as good as I think they should be. I will be happy to explain the entire bill; I can do that. But the rate reductions are very timid, in my opinion. It takes 7 years to get the rate reductions enacted—6 years, I guess—2007 before they are finally enacted, with only a 1 point reduction for all the rates beginning in 2002. But we do have an immediate 10-percent rate.

So, anyway, those things are there. It is pretty easily understood. I hope we go to the bill tomorrow and have as much time as necessary on Thursday, on Friday, and a final vote on Monday with Senators able to offer amendments and to consider them.

The only thing that is complicated is that when you see the bill it will be thicker because the IRA pension provision that passed with over 400 votes in the House was included and that is very extensive, with multiple provisions, several little pieces involved, some of it somewhat complicated, but it does have overwhelming support in both the House and the Senate. So that will cause the bill to be thicker. You take that provision out, or leave that provision alone, and the rest of the bill is not all that complicated.

I urge our colleagues to talk to other members of the Finance Committee. We will get information out today. I hope we begin consideration on it tomorrow and finish it no later than Monday so we can have a chance to have a conference with our colleagues in the House and actually pass it prior to adjourning for the Memorial Day break. That means we have a lot of work to do both on the education bill and on the tax bill in the next week and a half. I think these next 9 days will be very productive for the American taxpayer and for the American public. I appreciate my colleague's question.

Mr. REID. If the assistant majority leader will yield, he is a member of the Finance Committee and has been working on this issue for a long period of time, along with 19 other Senators. Some of us are not on the committee and we do not have the knowledge of the tax provisions in that bill that many of you do. I think the Senator has done a good job of outlining how some of the facts are now available to us. I think that is a good suggestion and we can go to work on that, but even that having been done, I hope the majority will understand some of the feelings of the people over on this side who are not familiar with the legislation. We want to make sure we do not get into some kind of vote-athon at the end of the process, that we not be faced with that.

We will do our best to work, as we try to do all the time, with the majority, but I want to indicate that there are people over here concerned that they have not had the opportunity to know what is in the bill and have not had a chance to see the bill. We hope people will be understanding of some Members on this side.

Mr. NICKLES. I appreciate my colleague's suggestion. I will work to make sure everyone has available from the Finance Committee a short description of the bill so at least they will understand the major details of it.

With that, Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, after speaking with the Republican and Democratic sides, I understand there is room for 10 minutes for any Senator to proceed in morning business, and/or if I need to go over that 10 minutes, my Republican colleague indicated I may have some time. I will proceed and hopefully finish in 10 minutes.

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

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN and Mr. REID pertaining to the introduction of S. 899 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BIDEN. I suggest the absence of a quorum

The ACTING PRESIDENT pro tempore. 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENSIGN). Morning business is closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, 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 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.

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.

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.

Dayton modified amendment No. 622 (to amendment No. 358), 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.

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

Harkin amendment No. 525 (to amendment No. 358), to provide grants for the renovation of schools.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the pending amendments be set aside; that I be recognized in order to offer amendment No. 550; and that there be 15 minutes for me to present this amendment; further, following my statement, that my amendment be set aside and Senator BOXER be recognized in order to call up amendment No. 563 and there then be 1 hour equally divided for debate. Further, I ask that following the use or yielding back of time, the Senate proceed to a vote in relation to the Boxer amendment, and, finally, that there be no amendments in order to either amendment prior to the votes.

Mr. REID. Mr. President, reserving the right to object, the manager of the bill, who left for a minute, has asked that he be recognized for 5 minutes prior to the Boxer-Ensign amendment being called up. Will the Senator agree with that?

Mr. HUTCHINSON. Mr. President, I so amend my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 550

Mr. HUTCHINSON. Mr. President, I call up my amendment No. 550.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 550 to the language proposed to be stricken by the amendment No. 358.

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

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

The amendment is as follows:

(Purpose: To liberalize the tax-exempt financing rules for public school construction)

On page 794, after line 7, in the language proposed to be stricken, add the following:

TITLE X—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 1001. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking ''$5,000,000'' the second place it appears and inserting ''$10,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2001.

SEC. 1002. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking ''or'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', or'', and by adding at the end the following new paragraph:

''(13) qualified public educational facilities.''.

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

''(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

''(A) part of a public elementary school or a public secondary school, and

''(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

''(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

''(A) under which the corporation agrees—

''(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

''(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

''(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

''(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

''(A) any school building,

''(B) any functionally related and subordinate facility and land with respect to such building, including any stadium or other facility primarily used for school events, and

''(C) any property, to which section 168 applies (or would apply but for section 179), for use in a facility described in subparagraph (A) or (B).

''(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

''(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

''(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

''(i) $10 multiplied by the State population, or

''(ii) $5,000,000.

''(B) ALLOCATION RULES.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

''(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).''.

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking ''or (12)'' and inserting ''(12), or (13)'', and

(2) by striking ''and environmental enhancements of hydroelectric generating facilities'' and inserting ''environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities''.

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

''(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).''.

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking ''MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2001.

Mr. HUTCHINSON. Mr. President, I know we have had a healthy debate on education and on the need for our educational infrastructure around the country. What we can all agree on is that many schools in the country are in desperate need of repair and improvement. Just because we can agree on a problem, however, doesn't mean we agree on the appropriate solution. I think the proposal of the distinguished Senator from Iowa to create a new school construction program provides an illustration of this point. We have a big difference on how we ought to approach the solution.

The bill before us maximizes the impact of limited Federal dollars by focusing them on programs for which there is a clear and historical Federal role. Creating a new facilities grant program in the Department of Education, I believe, will raise false hopes and divert our energy away from the urgent task of securing more funding for programs such as IDEA for which there is a clear and unequivocal established Federal responsibility.

The Finance Committee earlier—a few weeks ago—agreed to some measures to provide relief in the area of school construction in the Affordable Education Act. This was bipartisan. This came from the Finance Committee with broad support. It addresses this issue of school construction in a far more constructive and advantageous way. I want to offer, in my amendment, the provisions of that Affordable Education Act dealing with school construction to S. 1.

The first provision is directed at innovative financing for school districts. It expands the tax-exempt bond rules for public-private scholarships set up for construction, renovation, or restoration of public school facilities in these districts. In general, it allows States to issue tax-exempt bonds equal to $10 per State resident.

Each State would be guaranteed, under this provision, a minimum allocation of at least $5 million of these tax-exempt bonds. In total, up to $600 million per year in new tax-exempt bonds would be issued for these innovative school construction projects. This provision is important because it retains State and local flexibility. It does not impose a new bureaucracy on the States, and it does not force the Federal Government to micromanage school construction.

I cannot think of a more counterproductive step for us to take than for the Federal Government to get into the business of school construction and to assume an unprecedented role in that which has been historically, traditionally left to States and local governments.

The provision also is important because it promotes the use of public-private partnerships. Many high-growth school districts may be too poor or too overwhelmed to take on a school construction project themselves. With these bonds, those districts can partner with a private entity and still enjoy the benefits of tax-exempt financing.

It is worth noting that there already is a significant Federal subsidy for school construction. Under current law, States and localities can issue debt that is exempt from Federal taxation. This benefit allows them to finance school construction by issuing long-term bonds at a lower cost than they otherwise could. Moreover, the evidence shows that States and localities are taking advantage of this provision, this benefit, in the current tax law. In the first 6 months of 1996, voters approved $13.3 billion in school bonds, an increase of more than $4 billion over the first 6 months of 1995.

The bottom line is that many States and localities are doing their homework, passing bonds, building and renovating schools, and enjoying favorable treatment under the existing Tax Code. They are doing all this without significant Federal involvement.

I do not have to remind my colleagues that school construction has always been the province of State and local governments. It is important that we preserve that prerogative. It is important that we ensure that the Federal Government not preempt this traditional role of State and local government.

President Clinton stated in 1994, ''The construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers.'' In that respect, at least, I agree with former President Clinton.

There is a second bond provision in this bill.

That provision is designed to simplify the issuance of bonds for school construction. Under current law, arbitrage profits earned on investments unrelated to the purpose of borrowing must be rebated to the Federal Government. However, there is an exception generally referred to as the small issuer exception which allows governments to issue up to $5 million of bonds without being subject to the arbitrage rebate requirement.

We recently increased this limit to $10 million for governments that issue at least $5 million of public school bonds during the year.

The provision in the Finance Committee bill which I offer now as an amendment increases the small issuer exception to $15 million provided that at least $10 million of the bonds are issued to finance public schools. This measure will assist localities in meeting school construction needs by simplifying their use of tax-exempt financing.

At the same time, it will not create incentives to issue such debt earlier or in larger amounts than is necessary. It is a type of targeted provision that makes good sense.

I reaffirm there is consensus that there is a problem in the area of dilapidated schools, but there is a huge diversion on how we ought to address that problem. There are those who want to start a new categorical Federal grant program involving the Federal Government in a role that has always been left to State and local governments, a program that will, as all Federal programs, mushroom in the years ahead, a path we need not nor should we go down.

The provision I am offering is a better way. It addresses the issue of school construction in an appropriate way for the Federal Government and a provision that has broad bipartisan support in that it passed the Finance Committee on March 13 by a 20–0 vote. This is a better approach as we seek to assist local schools and State governments in their traditional role of building school facilities.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, I rise in opposition to the Hutchinson amendment. This tax amendment is not appropriate at this time. The pending underlying legislation is not a revenue bill.

If this amendment passes, this important bill will be potentially subject to a ''blue slip'' by the House. A ''blue slip'' would in effect kill this bill and the Senate would have to start anew.

Therefore, a tax amendment at this time would unnecessarily jeopardize the good work of the Committee on Health, Education, Labor, and Pensions.

I would note that this provision regarding private activity bonds for school construction is contained in the Finance Committee bill passed yesterday, and that bill will be taken up tomorrow for consideration.

I have had a very long history on this matter of encouraging school construction, and specifically this very language that is contained in the amendment. I am very pleased that I was able to include this school construction bond language in the tax bill and look to hopefully having it signed into law.

For these reasons, while I know that the Senator has offered this amendment with the best of intentions, unfortunately, I must respectfully oppose this amendment.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to lay this amendment aside at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California.

Mrs. BOXER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator, under the order, is authorized to offer her amendment.

Mrs. BOXER. I thank the Chair for being such a strong supporter of afterschool programs for children. I ask unanimous consent that Senators ENSIGN and DODD be added as original cosponsors of this amendment on afterschool programs.

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

AMENDMENT NO. 563, AS MODIFIED, TO AMENDMENT NO. 358

Mrs. BOXER. Mr. President, there is a typing error in the amendment that deals with the sense-of-the-Senate part that called ''billion'' ''million.'' I received concurrence that I may ask for that to be modified, and I so ask.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is modified, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. ENSIGN, and Mr. DODD, proposes an amendment numbered 563, as modified, to amendment No. 358.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding, and authorize appropriations for, part F of title I of the Elementary and Secondary Education Act of 1965)

At the end of title IX, add the following:

SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF THE SENATE.—Congress finds that—

(1) Congress should continue toward the goal of providing the necessary funding for afterschool programs by appropriating the authorized level of $1,500,000,000 for FY 2002

to carry out part F title I of the Elementary and Secondary Education Act of 1965.

(2) This funding should be the benchmark for future years in order to reach the goal of providing academically enriched activities during after school hours for the 7,000,000 children in need.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out part F of Title I of the Elementary and Secondary Education Act of 1965—

(1) $2,000,000,000 for fiscal year 2003;
(2) $2,500,000,000 for fiscal year 2004;
(3) $3,000,000,000 for fiscal year 2005;
(4) $3,500,000,000 for fiscal year 2006;
(5) $4,000,000,000 for fiscal year 2007; and
(6) $4,500,000,000 for fiscal year 2008.

Mrs. BOXER. I thank the Chair.

Mr. President, I am very pleased to be offering this amendment which deals with afterschool programs in our country. The purpose of this amendment is very clear. It is to ensure that every child who needs an afterschool program in our Nation will have that opportunity. This amendment does that by authorizing sufficient funds over the next 6 years so that no child has to be a latchkey child.

What do I mean by a latchkey child? That is a child who comes home after school, both parents are working, no one is in the home, and they, in some cases, can get into trouble.

How do we know this? We know this because the FBI tells us that most crime occurs among juveniles right after school. One can see on this chart that the juvenile crime rate peaks at the hour of 3 p.m. and continues and finally starts to go down in the evening hours. We know that juvenile crime occurs after school; that latchkey children do get into trouble after school. It is very clear. That is why we have so many police officers all over this Nation supporting our amendment and supporting afterschool programs in general.

If one looks at this chart, one can see all of the various law enforcement organizations that support the amendment of Senator ENSIGN and myself: The National Association of Police Athletic and Activity Leagues, Fight Crime, Invest in Kids, National Sheriffs Association, Major Cities Police Chiefs, Police Executive Research Forum, National District Attorneys Association, California District Attorneys Association, Illinois Association of Chiefs of Police, Texas Police Chiefs Association, Arizona Sheriffs and Prosecutors Association, Maine Chiefs and Sheriffs Associations, Rhode Island Police Chiefs' Association.

This is a partial list of police organizations across the country that support this amendment. They understand that once a crime is committed and they are called in, it is very late in the game. I have talked with police officers who look me in the eye and say there used to be a divide between the social workers and the police officers when it came to juvenile crime. There is no longer a divide.

The police officers understand, because they are on the street, that if kids are kept busy and they are kept happy, we see a lessening of the crime rate, and that is why quality afterschool programs are so important.

I am very pleased that with Senator JEFFORDS' leadership, along with Senator KENNEDY, we have sufficient funding in this year's bill of $1.5 billion for the year 2002. If we play that out, which is what we do in our legislation, and we continue the increase just to meet the need, we will be able to cover 7 million children in afterschool programs by the year 2008.

This bill is about reform, and I am for reform, but clearly if we reform our schools during the day, but then kids are left to fend for themselves after school, all the benefits of that reform and testing could well be lost. That is why it is so important that we add this afterschool component, not just for this year as we have in this bill but we play it out for the 6-year authorization.

We need places that are safe for our children, protected places, productive places for them to go.

Let me show a couple pictures because pictures tell a story and are worth a thousand words.

This is a photo from our Sacramento afterschool program where they have called in special people. This gentleman is an expert with animals. He brought in this crocodile. The kids are so taken with it. One can see the look on their faces. These kids are happy, they are excited, they are happy to be in school, they are learning about nature, and they are not getting into trouble.

I have another photograph. This one is also from Sacramento. One can see the young people are engaged in a board game, and there is an older mentor sitting with them. Again, they are productive and happy. It is another way of showing what afterschool programs can do.

It is instructive to hear what the kids themselves say about afterschool programs. There is a great program in Los Angeles called LA's Best. I have visited it. It is a shining example of what we can do right for our children. This is a student at 68th Street Elementary School:

LA's Best is the best place to be after school. I like the games and the work. I like going to the computer lab . . . I like going to the library, but most of all I like the people.

And then we have another student from Hillcrest Drive Elementary School:

If we didn't have LA's Best, I would probably still be going home to an empty house.

No child should have to go home to an empty house. No child should have to be tempted to get into trouble after school. We can do this.

I often say that it was Dwight Eisenhower who really started the Federal role in education. It is true the States do the majority of it, but what he pointed out was that when there is a void, we have an obligation to move in to assist the schools—not tell them what to do but to offer them the resources.

That is what this amendment is all about. We are taking your $1.5 billion, Mr. President, that you have put in this bill and we are extending it out so we can make sure every schoolchild in this country gets afterschool supervision.

At this time, it is my pleasure to yield 10 minutes to the Senator from Nevada, Mr. ENSIGN, who is the original cosponsor of my amendment.

Mr. ENSIGN. Mr. President, I am pleased to rise today in support of the sense of the Senate being offered by the junior Senator from California on the 21st Century Community Learning Centers program.

The 21st Century Community Learning Centers provide a safe-haven for children during the after-school hours. They provide students in rural and inner-city public schools with access to homework centers, tutors, mentors, and drug and alcohol prevention counseling, as well as cultural and recreational activities. Nationwide, these centers serve over 615,000 children per year in over 3,600 public schools.

There are an estimated 8 million ''latch-key kids'' who go home every day to an empty house after school. Approximately 35 percent of 12 year-olds are regularly left alone while their parents are at work. Parents need a viable alternative to leaving their children alone.

According to the Department of Education, children who regularly attend high-quality after-school programs have better peer relations and emotional adjustment, better grades and conduct in school, more academic and enrichment opportunities, spend less time watching television, and have lower incidences of drug-use, violence, and pregnancy. This makes sense considering that studies by the FBI have found that the peak hours for juvenile crime and victimization are from 2 p.m. to 8 p.m.

My home State of Nevada receives four grants from this program, which serve numerous elementary, middle, and high schools across the state. Recently a news crew was visiting one of the 21st Century Community Learning Center sites in Las Vegas and asked the children why they liked coming to the program. The children responded more enthusiastically than the reporter had anticipated, stating that the program had helped them improve their grades from D's and F's to A's and B's, and was a safe and fun place for them to go after school.

I am committed to ensuring that our schools have the assistance they need to ensure that our children leave the public education system as well-rounded individuals. Children attending public schools should not only be proficient in reading, writing, and arithmetic, but should also be skillful in music, art, and athletics.

I hope that my colleagues will support this amendment to prove that Congress is willing to provide the 21st Century Community Learning Centers

program with the much-needed support that it deserves.

Mr. President, on a personal note, when I was growing up with a single mother—my mom worked—at times she wasn't home for us latchkey kids and we did not have these types of programs after school. I will tell you that I was on my road to a life of crime because of the situation. I was very fortunate that later in life my mom got remarried and was able to quit her job and stay home with us; but a lot of parents are not in that kind of a situation. There is no question that direct supervision helped me turn away from a life of juvenile delinquency into now what, obviously, has become a productive life. At least I like to think of it that way.

I think of many children, though, in the same situation that I was in, go home after school with nothing to do. Back then, my friends and I would say: What are we going to do today? We would think of numerous ways to get in trouble.

Now, the things that we did back then, which we don't want to mention today, were not exactly good things to do but are mild compared to what a lot of the kids are into today because of the influences we have in our society. So for us to use programs such as this, programs that are working to make a difference and giving children positive things to do, I think these programs should be applauded and supported. We should work to eliminate wasteful Government spending, but when Government programs such as this are working, we should all be getting behind them and say: Let us fund these programs; let us make sure that they are working effectively. Hold them accountable for their results. But as long as they are providing the results they have been, I think we should continue to support them.

Mr. President, I yield the floor, and I thank the junior Senator from California for allowing me to participate in her amendment.

(Mr. ENSIGN assumed the Chair.)

Mrs. BOXER. Mr. President, I hope our colleagues in their offices and doing their work heard the remarks of my colleague from Nevada. I think he was eloquent because he spoke from the heart and from his own life experience. His own life experience underscores the need for this amendment and what we are trying to do. You can take the best kid in the world, but if they are home alone after school and they are very lonely and they do not have guidance, bad things can happen, and bad things do happen.

I want to show, again, the chart by the FBI which underscores exactly what my friend was saying as far as when crime occurs. If you look at the chart, it is very clear. Juvenile crime starts climbing right after school and it peaks right after school, and eventually, as the parents come home, the crime rate goes down. So it is not, as we say, rocket science to understand that we can do a tremendous amount for our children.

The other point my friend made which I thought was important was that he has heard stories from his own State, where they use some of these funds, that the academic performance of the children is also improving.

I have seen programs in Richmond, CA, where the local Police Athletic League serves over 400 students and the juvenile crime rate has decreased by 36 percent as a result of the afterschool program. It is documented. The scores are going up.

In Hemet, CA, we have, again, the police athletic and activities league serving over 2,500 students in that afterschool program. There has been a 29-percent decrease in juvenile crime and the scores are getting better.

In Highland Park, MI, the 21st Century Learning Center reports a 40-percent drop in juvenile crime after the implementation of their programs and the scores are getting better.

In Brooklyn, at the Cyprus Hills Center, it was reported that 72 percent of the program participants improved their grades by 35 percentage points in one or more of their classes. This is a proven winner.

In Chatanooga, TN, absentee days dropped from 568 days to 135 days. That is an amazing drop. Why is it? Because the children are doing their homework after school. They are getting support after school. They are getting mentoring after school, and it works.

In Plainview, AR, the 21st Century Learning Center implemented an abstinance program that resulted in no pregnancies in their high school graduating class for the first time in years. Before this program, there were 16 pregnancies in 1998. I did not mention that. I showed you the crime rate. What I did not tell you is the teen pregnancy situation is traced back to afterschool hours.

So, Mr. President, what you said is so, so true. We know it from our own experience when we were children growing up. We know it as we watch the new afterschool programs take hold.

I have been in public office for 25 years now and I have worked hard in a number of areas, but I have to say one of my proudest moments was bringing the first afterschool amendment down to the floor of the Senate many years ago where we were then spending $40 million a year on afterschool programs. And working together across party lines, and at that time working with the President, we were able to see this program go up to $800 million and is now serving many children.

But still, we have 7 million children to go and we will not rest, all of us here, across party lines, who care about kids, until we make sure that every child has an alternative, every child has an option.

In closing, I would like to say our children are good kids. Unfortunately, we always seem to spotlight the bad kids, the kids who get in trouble. I have to say, I believe all children are gifts from God and all children deserve to be honored. They all come on this Earth and they deserve to be honored. We do not honor our children if we do not invest in them.

These are not huge investments, these are really quite small investments. When we invest in a child in a way that is positive, where we give that child that Head Start, that Early Start, that Jump Start, where we then send them to quality public schools where we then have quality afterschool programs, we are going to see the vast majority of social problems in our Nation will be resolved. This is what I believe. Are you going to miss the boat on a few kids? Of course. Are you going to have a kid who simply will not respond? Of course. But that is a rarity.

So I think this amendment, as it was spoken to by Senator ENSIGN in such an eloquent way, where he traced back his childhood, where he remembered what it was like to be alone, without supervision, to be floundering and perhaps to be steered into a life from which you can never really come back—that kind of situation should not be present for any of our children in this Nation.

I hope very much we will have bipartisan support, that we will be able to pass this overwhelmingly and send a clear signal to our children that they are important before school, during school, and after school.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. I wonder if the Senator will be good enough to yield me 5 minutes.

Mrs. BOXER. I am delighted to yield Senator KENNEDY as much time as he may require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank Senator BOXER and Senator ENSIGN for this amendment. I think this amendment is enormously important. In this whole debate on elementary and secondary education we are now making a commitment to the families and to the country that we are going to have the funding for these reforms which are in this legislation, which I support; also, that we are not going to leave children who have limited-English-speaking ability behind. We had a good debate on that. We are only reaching 25 percent of those children.

As a result of the amendment of the Senator from Arkansas—we had a good debate on this—a decision was made that we were not going to be satisfied to leave behind any children who had those challenges.

Now with this amendment we are saying we are not going to leave behind any of the children who need afterschool services. That is what this amendment is really all about. We are making our commitment to the children in the classroom with supplementary services, with good teachers,

and we have made a commitment to make sure we are going to have good teachers. We are making sure we are going to have the bilingual support children are going to need. We are not leaving anyone behind. This amendment is saying the same with regard to afterschool programs.

As the Senator from California understands, this program, the afterschool program, was the most oversubscribed program of any in the Clinton administration, with quality programs. There were not any other programs that could come close to it. That is a reflection of the demand in the local communities. That is a reflection of what is happening out there in communities all across this country.

As has been pointed out, there are 7 million children going to be home alone. Under the existing legislation, we cover a little more than a million of them. But the importance of this program is that we are moving in a glidepath to reach out to these children, all 7 million. It will take some time, but that is the best we can do at this time.

What we are saying to those children about their afterschool situation is, we as a country believe this time for you is important. For many of us who have seen these afterschool programs, we know what an extraordinary difference they make in enhancing the child's not only academic ability but confidence. Also, the children work with other children. In many of the centers in Massachusetts you have older children working with younger children. That has made a big difference in the older children's attitude about the program. It has made a big difference in the private sector.

I can take you to places in Boston where many companies are coming in and talking about graphic arts and photography, which are not being taught in the schools. It just clicked children's minds open. Children who were indifferent in school are tying into photography or graphic arts in ways they could not have imagined and are now interested in going to school.

It can also provide pathways for children in sports and athletics, with all the lessons in life that come from competing and participating in sports.

This makes sense. It is of key importance. These afterschool situations can be enormously important and significant for the supplementary services that are necessary and needed for children. We have seen that particularly in the Boys Clubs and Girls Clubs in Boston, how they are working providing all these supplementary services.

If we are really going to do the job for children in this country, which I believe this President wants to do, and we are committed to do in this legislation, this amendment is enormously important, far beyond the resources that are being talked about here, making a real difference in quality education and investment in the children.

I commend the Senator. I certainly hope this amendment will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I commend the Senator from California for what she is doing with this very wonderful program. I introduced the original legislation which resulted in this program. It was modeled after a school I found in Vermont which had the foresight to understand the need to extend the child's time in school, or on the school grounds, and to give them constructive things to do, something educational during the period of time before they can go home and find someone there to greet them.

Actually, it came further in the past than that. When I had the opportunity to visit the former Soviet Union, not too long after the end of the Soviet Union in that sense, I visited what were called Pioneer Palaces. They were spread throughout the Soviet Union. I visited them. I found what they did. From the time school ended, from 3 in the afternoon until 6 at night, every child was required to do something that was constructive and hopefully leading towards some occupation or whatever. As you walked around, you found people learning how to be cosmonauts, 8- or 9-year-olds. Then as you went further, you saw people very intensely working on musical instruments and all sorts of things. Every child was required to find something to do that was constructive during that period.

As we know, as the Senator from Nevada pointed out, the studies show how important it is, in the time from the midafternoon until suppertime, to keep young people fully occupied. Crime, pregnancies—almost all of that results from behavior during that period of time.

So I have a certain feeling of thankfulness for the way this program has grown. President Clinton grabbed onto a program which had a little bit of funding and had the foresight to make it into a really well funded program.

I thank the former President for doing that, but right now it is up to us to do all we can to make sure this kind of a program is available as far across this land as possible and in such numbers that at least every young person ought to have an opportunity to have a fulfilling full day rather than just the hours at school.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Has all my time expired?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mrs. BOXER. I ask unanimous consent that Senator FEINGOLD be given 6 minutes to speak on another topic since no one else is in the Chamber to speak against my amendment. We can take the rest of the time or whatever the Presiding Officer wishes.

The PRESIDING OFFICER. The Senator yields time?

Mrs. BOXER. OK. I yield 6 minutes.

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

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Senator very much for her amendment and for her help in getting me time to speak.

(The remarks of Mr. FEINGOLD are located in today's RECORD under ''Morning Business.'')

Mr. FEINGOLD. Mr. President, I, again, thank the ranking member, the chairman, and the Senator from California for their generosity in giving me this time.

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 the order for the quorum call be rescinded.

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

Mr. KENNEDY. As I understand, there is a half hour in opposition, which is not being used at this time. For the benefit of the membership, the time has been established to vote. We are prepared to do that. I think the leadership has stated a time for the convenience of the Members. If there is no objection, I will talk a little bit about what the afterschool programs have meant to children, and as soon as any Member comes to speak in opposition to the amendment, I will be glad to yield the floor.

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

Mr. KENNEDY. I will proceed on that basis.

Mr. President, I will mention some success stories. I regret I missed the splendid presentation by the present Presiding Officer earlier today, but I look forward to reading it in the RECORD. I have been told by a number of my colleagues what a moving story it was. I thank the Senator for sharing that with this body.

I will mention a few of the individual success stories that we have seen in Boston. We have a program called From 2 To 6. It is available to all children up to the age of 13 in Boston. Let me mention some of the experiences which we have seen in that program.

There is a young student named Natalia. When Natalia started in the Gardner Extended Services School in Allston in the middle of the 1999 school year, she could not read, write, or perform basic arithmetic. They suggested that Natalia enroll in its afterschool program to receive extra support in both her academics and her study skills. With the help of a certified teacher, a teacher's aide, and several Boston College tutors, Natalia showed significant progress.

Currently, Natalia is in the second grade and is performing at grade level

in all academic areas of the classroom. She is maintaining a solid B average. Natalia is also now participating in many extracurricular activities, such as the African Dance Club and swimming lessons at the YMCA.

Michael: In 1999, 11-year-old Michael spent afterschool time playing Nintendo, and as the end of the school year approached, he began to hang around with a group of kids who were affiliated with a local gang. His mother grew concerned and enrolled Michael in the summer camp program run by the East Boston YMCA Program Center.

At first Michael was not very responsive. However, as the summer progressed, he learned how to swim and became more confident in his athletic abilities. By the end of the summer, he made a lot of friends and also started to mentor the 5- and 6-year-olds. He also continued to attend the afterschool program when school started again. He got sort of hooked on it through the course of the summer. Many of his new friends were going to the afterschool program, too. Since being involved in the program, all of his teachers have commented about the progress he has made. He now receives A's and B's on his report card And enjoys outdoor activities.

Edgar from Roxbury first came to the B.E.L.L. Foundation's BASICs program at the Jackson/Mann Elementary School in Allston in the fall of 1998 as a second grader. He was a friendly, outgoing, energetic student, but he couldn't read and didn't know the alphabet. Edgar was embarrassed to work on academics with other students his age because he was well below grade level in literacy. They paired him with a one-on-one tutor, and he worked hard to improve but became frustrated when he didn't see immediate results.

Seeing that Edgar might need more support, his tutor encouraged him to get to know a fifth grader name Jesus. They both had many things in common. Both were recent immigrants from Brazil. They loved wrestling, making people laugh. One day a tutor overheard Jesus say to Edgar: I know you're having a hard time reading. I did, too, when I first came here, and I promise you that it will get easier.

A year later, Edgar is now completing grade level work in school and getting good grades. He also helps his peers who are having a hard time reading. It was the afterschool program that has made the difference.

We have example after example of these programs. The 2–6 program, as I mentioned, is primarily for children 12 or younger. We know that this particular program will reach the children in middle school and high school, and that is something which is very much in need and is one of the principal reasons we are working now to see its support.

I mentioned the Institute for Student Achievement in six New York school districts which is a school-based afterschool program that provides counseling and academic assistance to middle and high school students who are struggling in school. The programs, STAR, Success Through Academic Readiness, and COMET, Children of Many Educational Talents, provide tutoring, academic enrichment activities, and computer-assisted instruction. Community service and family involvement are also key components of the afterschool programs. Every STAR student has graduated from high school, and 96 percent have gone on to college. Test scores at Hempstead High School on Long Island have improved dramatically since the afterschool program began.

This is the tie-in between the core program that we are talking about in terms of the classroom. What goes on in the classroom is the key: obviously, a well-trained teacher, good curriculum, accountability, the range of different challenges that exist in the classroom. We see these afterschool programs and what has happened. When you have effective afterschool programs associated with schools in terms of providing those supplementary services, the children improve academically significantly.

I mentioned this excellent series of afterschool programs in six New York districts that the students have been attending, and 96 percent have gone on to college. The test scores of the Hempstead High School on Long Island, which is sort of the major high school in the center of these activities, have improved dramatically since the afterschool program began. The State removed the school from its list of low-performing schools 1 year ahead of schedule.

Here was a school that was in trouble. With the development of the afterschool programs and the supplementary services that were provided, we see the very positive impact that had on the academic achievement in the school. This is the point which has been made by the two sponsors of this legislation.

In Pennsylvania, the Rand Corporation, when evaluating afterschool programs supported by Foundations, Inc. in the Philadelphia area, found fourth graders in the program outperformed comparison students in reading, language arts, and math. The Rand Corporation is a tough, independent organization that does evaluations of various programs. Their own evaluation of afterschool programs, in this case in Philadelphia, which is very much challenged in terms of their school systems, has shown some results.

In Ohio, the University of Cincinnati, when evaluating the Ohio Hunger Task Force urban afterschool initiative, found fourth graders in the program exceeding the statewide percentage of students meeting proficient standards in math, writing, reading, citizenship, and in science.

In Texas, the Lighted Schools Project, in Waco, TX, provides over 650 middle school students with a safe, supervised environment during after hours. The program targets at-risk youth, although all middle school students can participate in free activities, including sports, crafts, special events, and institutions. Students have access to primary health care and programs to enhance self-confidence, violence prevention, the dangers of drug and alcohol abuse, conflict resolution, and to receive tutoring and homework assistance.

These programs also have a very positive effect in terms of reducing the violence in school and, in this particular case, the dangers of alcohol abuse and also the conflict resolution, important initiatives which are taking place in schools.

We have some enormously impressive ones in Massachusetts started by the former Attorney General Harshbarger and continued and expanded by Attorney General Reilly on conflict resolutions. And we have had as well in many of our schools the AmeriCorps students involved with the students in what they call Peace Games. It is a rather interesting concept where they just do it for an hour once a week. And what it is, they take large popcorn cans, jars, and they take extended rubber bands. Then they all pick up the popcorn cans and pile them on top of each other to make a design.

The fact is, they all have to work together because if one loosens the end of the rubber bands, the popcorn can will fall. And as they build it, they will work it out so they will have 10 students working together in order to construct it. They play games with it about what part of the class can do it. Then they have classes against each other, just 1 hour a week. It is supervised by the AmeriCorps children. It has had an incredible impact in terms of reducing conflict and violence among the students in that school. It is called Peace Games.

These are the range of activities. These are the kinds of hands-on local initiatives that are taking place in these afterschool programs that are helping. They have demonstrated a positive impact in terms of academic achievement.

I know time is running out now. I could give the example in the reduction in terms of teenage pregnancies. The interesting sad effect is about 80 percent of teenage pregnancies happen during the afterschool time, between 3 in the afternoon and 7 o'clock at night.

The fact that we have these afterschool programs has had a positive impact in reducing teenage pregnancies, in many instances, more effectively than some of the other programs that have been tried. Reducing violence, academic achievement, bringing children who may have fallen somewhat further behind because of the fact maybe they didn't get into the Head Start program, maybe they didn't get the early interventions in terms of help in literacy as they were starting

through school, all these kinds of initiatives have helped.

This amendment is really an outreach. It is going to bring up all of these children that perhaps have fallen through the cracks at one place or another and help to bring them on into hopefully the academic setting, and then, with the other parts of the legislation working, if they are funded—they are not funded, but they have to be funded—can really make a difference.

Mrs. BOXER. Will the Senator yield?

Mr. KENNEDY. Yes.

Mrs. BOXER. I am taken with my colleague's analysis because there are very few things we do that have such a beneficial effect in so many ways. As my colleague said: We are looking at a program, after school, that helps kids improve their scores; that is, the academic achievement.

We are seeing a program that keeps kids out of trouble. That is why all the police organizations support after school, and the PAL group supports it. We are talking about a reduction in teen pregnancy, which is absolutely documented because of these programs. We are talking about the ability of kids to learn to work together. There is one other thing, I say to my friend, he didn't mention directly, but he hinted at it. If there is a child who falls through the cracks who may have an emotional problem—and we all looked at this when we looked at the Columbine tragedy and other places where kids have acted out in horrible ways. It is a chance for a professional to see a child who really needs help. It gives a chance for that one-on-one.

My colleague from Nevada pointed out that there is a chance for kids to learn better English, make sure their skills in the language are improved. It is very rare that you see a program that does so many things. Of course, someone is going to slip through the cracks. But this is one that I think is so crucial. I am proud to have the support of my colleague from Massachusetts and the Senator from Vermont.

Mr. KENNEDY. One final point. This is the Milwaukee project. Public schools, law enforcement, community-based organizations, and residents provide safe havens at neighborhood sites for children. There were 8,400 youth participating. The Milwaukee project provides homework tutoring assistance, recreational games, arts and crafts. The program helped reduce the crime rate in neighborhoods participating in the project by providing youth with alternative activities during afterschool hours.

In the 15 months following the inception of the program, the crime rate dropped 21 percent in the neighborhoods that had these afterschool programs—law enforcement, teenage pregnancy, substance abuse, violence, academic achievement, and accomplishment.

Mr. JEFFORDS. May I interrupt for a unanimous consent request?

Mr. KENNEDY. Yes.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote on the Boxer amendment occur at 11:15 a.m.

Mr. REID. Mr. President, reserving the right to object, I say to my friend, the manager of the bill for the majority, we have been waiting for I don't know how many days to conclude the Harkin amendment. We are waiting for a second-degree amendment to be filed by the majority. This is one of the most important amendments in this whole legislation. I suggest we should move on and just vote on Harkin if a second-degree amendment is not going to be offered.

I will just alert everybody that I hope perhaps after this vote it will be ready because each hour we are told it is almost ready. It must be a doozy if it is taking this long to prepare.

Mr. JEFFORDS. My understanding is there will be a second-degree amendment.

Mr. REID. We know that, and we are waiting. We have tried to be cooperative. We could have filled the tree ourselves. We want to have good feelings on both sides about the way this legislation moves. We hope that maybe it can be filed when we finish the vote on the Boxer amendment.

Mr. JEFFORDS. I will meet with the Senator. I hope we can go forward with this vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. BUNNING). The question is on agreeing to the amendment of the Senator from California.

The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Missouri (Mrs. CARNAHAN) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Missouri (Mrs. CARNAHAN) would vote ''aye.''

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—60

Akaka	Daschle	Landrieu
Allen	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Edwards	Mikulski
Boxer	Ensign	Miller
Breaux	Feingold	Murkowski
Byrd	Feinstein	Murray
Campbell	Graham	Nelson (FL)
Cantwell	Harkin	Nelson (NE)
Carper	Hollings	Reed
Chafee	Inouye	Reid
Cleland	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Collins	Kennedy	Schumer
Conrad	Kerry	Smith (OR)
Corzine	Kohl	Snowe
Specter	Torricelli	Wellstone
Stabenow	Warner	Wyden

NAYS—39

Allard	Frist	McCain
Bennett	Gramm	McConnell
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Cochran	Helms	Shelby
Craig	Hutchinson	Smith (NH)
Crapo	Hutchison	Stevens
DeWine	Inhofe	Thomas
Domenici	Kyl	Thompson
Enzi	Lott	Thurmond
Fitzgerald	Lugar	Voinovich

NOT VOTING—1

Carnahan

The Amendment (No. 358) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I believe the manager of the legislation is going to offer a unanimous consent request we have worked out that will allow us to have some morning business for Senators who wish to speak for a brief period of time and for Senator AKAKA to offer his amendment and also to get to a vote this afternoon on a Reed of Rhode Island amendment.

Let me plead with the Members, though, if we could avoid interruptions as much as we could today. Senators KENNEDY and JEFFORDS and others working on the legislation are trying very hard to make progress on the education bill. When we have interruptions for other issues, Senators tend to get away from the floor, and it slows us down. We want to try to finish this legislation at a reasonable time next week. I thank Senators JEFFORDS and KENNEDY and REID for trying to make that happen.

At this point, we thought the fair thing was to work out an agreement where we could have a brief period of morning business and then return to the bill. Senator JEFFORDS has an agreement we are ready to offer.

Mr. JEFFORDS. I have one which will be here momentarily.

Mr. LOTT. If I could inquire while we are waiting, is it correct then that Senator AKAKA will have an amendment right after morning business?

Mr. KENNEDY. The Senator is correct. As I understand, it will take 2 to 3 minutes for Senator AKAKA to raise this amendment, and hopefully it will be accepted. If not, we will accept it at a later time. Then we put into effect the understanding that the Senator

from Rhode Island, Mr. REED, would offer his libraries amendment and to vote at a quarter of 2. Then we would have the time, as the leader has announced, so there would be a brief period for morning business so that from three to four Senators would be able to address the Senate.

Mr. LOTT. Would Senator REED be ready to go immediately after this sequence is lined up?

Mr. REED. There is a modification of my amendment which is being reviewed by your staff and Senator JEFFORDS' staff. If that is in order, then I believe we will have to wait until I get word.

Mr. LOTT. Does the Senator have a unanimous consent request?

Mr. JEFFORDS. Yes, I do.

Mr. LOTT. Go ahead then.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator AKAKA now be recognized to call up amendment No. 407 and there be up to 5 minutes under his control. I further ask unanimous consent that the following Senators be recognized as in morning business for the following times: Senator HELMS, up to 15 minutes; Senator KERRY, 10 minutes; Senators BAUCUS and JEFFORDS, 5 minutes each. I further ask unanimous consent that following the morning business, Senator REED of Rhode Island be recognized to call up and modify his amendment No. 425 and the time between then and 1:45 be equally divided, with no second-degree amendments in order, and that the vote occur in relationship to the amendment at 1:45 today.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, reserving my right to object, the modification is critical, whether or not the modification is accepted by your side. I wanted to clarify, the modification has been accepted in your unanimous consent request?

Mr. JEFFORDS. It is in the UC.

Mr. REED. I thank the Senator.

Mr. BAUCUS. Mr. President, reserving the right to object, I regret I was not present on the floor when the leader and the chairman and ranking member of the committee were proposing a unanimous consent request.

Mr. JEFFORDS. The Senator has 5 minutes.

Mr. BAUCUS. I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 407 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I have an amendment at the desk, amendment No. 407. I ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 407.

Mr. AKAKA. 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 strike the provision requiring recognition by the Governor of Hawaii of certain organizations primarily serving and representing Native Hawaiians)

On page 548, lines 2 and 3, strike ''which are recognized by the Governor of the State of Hawaii''.

Mr. AKAKA. Mr. President, this amendment makes a technical change to section 4118 of S. 1, and would allow organizations that primarily serve Native Hawaiians to compete for grants under this section. The current language in the bill requires the Governor to recognize the Native Hawaiian institution as a condition for consideration for the grant. This amendment would remove this requirement, thereby streamlining this process and allowing more organizations to apply for these grants. I urge adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Hawaii?

Mr. KERRY. Mr. President, I don't intend to debate it, but Senator KENNEDY indicated he would be right back. I don't know if he intends to speak. I wanted to protect his right to do that.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 407.

The amendment (No. 407) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated at the desk.

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

(The remarks of Mr. HELMS pertaining to the introduction of S. 894 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, with respect to my previously agreed upon amendment No. 407, I ask unanimous consent that the instruction line conform to the Jeffords substitute amendment.

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

Under the previous order, the Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY and Mr. FRIST pertaining to the introduction of S. 895 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENT NO. 425, AS MODIFIED

Mr. REED. Mr. President, pursuant to the unanimous consent under consideration there will be a vote scheduled on my amendment at 1:45. At this time I ask unanimous consent to make a modification to amendment No. 425. I send that modification to the desk for immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 425), as modified, is as follows:

On page 203, between lines 20 and 21, insert the following:

''SEC. 1228. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.

''(a) IN GENERAL.—From funds made available under subsection (d) for a fiscal year, the Secretary shall allot to each State educational agency having an application approved under subsection (c)(1) an amount that bears the same relation to the funds as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount all such State educational agencies received under part A for the preceding fiscal year, to increase literacy and reading skills by improving school libraries.

''(b) WITHIN-STATE ALLOCATIONS.—Each State educational agency receiving an allotment under subsection (a) for a fiscal year—

''(1) may reserve not more than 3 percent to provide technical assistance, disseminate information about school library media programs that are effective and based on scientifically based research, and pay administrative costs, related to activities under this section; and

''(2) shall allocate the allotted funds that remain after making the reservation under paragraph (1) to each local educational agency in the State having an application approved under subsection (c)(2) (for activities described in subsection (f)) in an amount that bears the same relation to such remainder as the amount the local educational agency received under part A for the fiscal year bears to the amount received by all such local educational agencies in the State for the fiscal year.

''(c) APPLICATIONS.—

''(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring assistance under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

''(A) how the State educational agency will assist local educational agencies in meeting the requirements of this section and in using scientifically based research to implement effective school library media programs; and

''(B) the standards and techniques the State educational agency will use to evaluate the quality and impact of activities carried out under this section by local educational agencies to determine the need for technical assistance and whether to continue funding the agencies under this section.

''(2) LOCAL EDUCATIONAL AGENCY.—Each local educational agency desiring assistance under this section shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain a description of—

''(A) a needs assessment relating to the need for school library media improvement, based on the age and condition of school library media resources, including book collections, access of school library media centers to advanced technology, and the availability of well-trained, professionally certified school library media specialists, in

schools served by the local educational agency;

''(B) how the local educational agency will extensively involve school library media specialists, teachers, administrators, and parents in the activities assisted under this section, and the manner in which the local educational agency will carry out the activities described in subsection (f) using programs and materials that are grounded in scientifically based research;

''(C) the manner in which the local educational agency will effectively coordinate the funds and activities provided under this section with Federal, State, and local funds and activities under this subpart and other literacy, library, technology, and professional development funds and activities; and

''(D) the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this section by schools served by the local educational agency.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

''(e) WITHIN-LEA DISTRIBUTION.—Each local educational agency receiving funds under this section shall distribute—

''(1) 50 percent of the funds to schools served by the local educational agency that are in the top quartile in terms of percentage of students enrolled from families with incomes below the poverty line; and

''(2) 50 percent of the funds to schools that have the greatest need for school library media improvement based on the needs assessment described in subsection (c)(2)(A).

''(f) LOCAL ACTIVITIES.—Funds under this section may be used to—

''(1) acquire up-to-date school library media resources, including books;

''(2) acquire and utilize advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

''(3) facilitate Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries, where possible;

''(4) provide professional development described in 1222(c)(7)(D) for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and

''(5) provide students with access to school libraries during nonschool hours, including the hours before and after school, during weekends, and during summer vacation periods.

''(g) ACCOUNTABILITY AND CONTINUATION OF FUNDS.—Each local educational agency that receives funding under this section for a fiscal year shall be eligible to continue to receive the funding for a third or subsequent fiscal year only if the local educational agency demonstrates to the State educational agency that the local educational agency has increased—

''(1) the availability of, and the access to, up-to-date school library media resources in the elementary schools and secondary schools served by the local educational agency; and

''(2) the number of well-trained, professionally certified school library media specialists in those schools.

''(h) APPLICABILITY.—The provisions of this subpart (other than this section) shall not apply to this section.

''(i) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

''(j) NATIONAL ACTIVITIES.—From the total amount made available under subsection (d) for each fiscal year, the Secretary shall reserve not more than 1 percent for annual, independent, national evaluations of the activities assisted under this section. The evaluations shall be conducted not later than 3 years after the date of enactment of the Better Education for Students and Teachers Act, and each year thereafter.

Mr. REED. Mr. President, this modification deals with my underlying amendment which would authorize funding for the acquisition of library books and library materials for our school libraries across the country. This original amendment I offered on behalf of myself and Senator SNOWE, Senator CHAFEE, Senator KENNEDY, and others.

While I was debating the amendment initially, there was some concern raised by my colleague and friend, Senator COLLINS from Maine, that my amendment would in some way detract from the President's Reading First Initiative. I support that initiative and compliment both him and Senator COLLINS. It is focused on raising the literacy of our children across the country. It is an effort that has to be undertaken and I am pleased it is being undertaken.

I want to make it clear that my proposed amendment to restore funding for school libraries is a complement to the President's program and not a subtraction from that program. The modification to the amendment does just that. It clarifies that what I am attempting to do is add to the Reading First Initiative and not subtract from it.

My amendment will complement the President's initiative and Senator COLLINS' correcting amendment that were unanimously adopted last week in this Chamber. It will do that by providing an essential part of any literacy program, and that is high-quality reading material.

The President's focus and Senator COLLINS' focus is improving the instruction with respect to reading skills and literacy in this country, which is an important goal. But it cannot be fully accomplished, the goal of having literate American students, without also having high-quality reading material. Most people understand this intuitively. It is one thing to teach the techniques of reading; it is something else to open up to children a realm of discovery and wonder and opportunity by having good, high-quality school libraries—we hope in every school in this country.

I see my proposal as a very important component of the overall strategy of the Reading First Initiative. This is a proposal that would essentially allow local communities to receive Federal resources to acquire library materials: books and the materials necessary for a modern, up-to-date school library.

It would give extraordinary flexibility and discretion to local communities because it would allow them to make the choice of what is the most appropriate material. It responds to an obvious need throughout this country and the need is chronic, and that is to provide for good school libraries.

Unfortunately, if you travel throughout this country, if you go back to your home State, and you visit school libraries, most of those collections are out of date; most of those collections have not been renewed and have not been improved over many years. This is not because of the intentions or the wishes of local authorities. The reality is, library acquisitions are the type of program that can be put off year to year to deal with more pressing needs, and year 1 becomes year 2, which becomes year 3, and you find yourself, as we find ourselves in so many schools across this country, in a situation where the library is deplorable.

We know that good libraries are connected to good literacy skills and, for the purpose of this legislation, good results on tests—both standardized tests and nonstandardized tests. The latest results in the National Assessment of Educational Progress show that from 1992 to the year 2000, reading scores have remained flat for fourth graders. One aspect of that finding is the fact that there are too many schools in this country where the library books are out of date and inadequate, in addition to problems with teaching the mechanics of reading. We have to solve both problems if we really want to see test results take off.

As you find throughout the country, in looking at different studies, there is a clear indication that well-stocked, modern, up-to-date school libraries contribute directly to success on achievement tests. And that seems obvious to most people because libraries are the places which will have the information, but are also attractive to young people. They will want to go to the library because it is modern, up to date, interesting, exciting—all the things we want education to be in this country.

One of the reasons why school libraries are in such poor condition is the lack of dedicated funding. In the beginning of our efforts to improve elementary and secondary education in 1965, in the confines of the first Elementary and Secondary Education Act, we provided for specific funding for school libraries. However, several years later, we rolled all of this funding into one block grant, title VI. As a result, the commitment to libraries, because of local pressures to spend on other endeavors, has resulted in a situation across the country of very poor school libraries. We can do better. When we improve school libraries, as I indicated before, we improve the performance of students.

It has been found in one study that for every school, in every grade level, in which there was a strong school library and strong school library services, there were improvements in test

scores regardless of social and economic factors in the particular community. This study was conducted in States such as Colorado, Pennsylvania, and Alaska. So it is not a regional effect; it is not an urban effect versus a rural effect; it is the effect of good libraries in the schools. These findings echo earlier findings which found that students in schools with well-equipped libraries and staff performed better on achievement tests for reading comprehension and basic research skills.

Interestingly enough, the President has appointed, as his nominee for Assistant Secretary for Elementary and Secondary Education at the U.S. Department of Education, Dr. Susan Neuman. Dr. Neuman, a professor at Temple University, is a nationally renowned expert in early literacy development. She has written about the importance of books in developing and enhancing the literacy skills of children.

Dr. Neuman wrote an article in the Reading Research Quarterly entitled ''Books Make A Difference: A Study of Access to Literacy.'' She talked about a literacy program in Pennsylvania childcare centers and concluded that access to books matters and is critical for early literacy; children exposed to books outperformed a control group on every measure of early literacy abilities.

That is the distinguished individual who has been nominated by President Bush to be the key individual with respect to elementary and secondary education. Through her academic research, she has concluded that access to high-quality library material—books and other materials—is critical to literacy. I think that is a compelling argument that my initiative today will complement the President's approach to literacy training through our schools in this country.

As I said, if you go through the school libraries of America today, the books are terribly out of date. I could rattle off another litany of arcane books that are inaccurate, politically incorrect, stereotypical, out of date, that talk about the fact that someday we might land on the Moon. But I believe most people at this point understand that because you have been in your communities; you have looked at your schools; you have been in schools where the library is an old closet or it is at the end of a hallway that is not being used. You have been in schools where you can take books off the shelves and the copyright is 1967. In fact, some of them are still stamped: ''Elementary and Secondary Education Act of 1965,'' indicating from where they originally came.

So we can do better. We have to particularly do better when it comes to disadvantaged students because we know this is one of the particular burdens urban school systems and poorer rural school systems bear. That is where the resources do not filter down into the library.

If what we are asking and demanding is that these young, low-income, disadvantaged children do well on tests, then we have to give them the tools to do that job—not just training in literacy but give them the books that will allow them to practice what they have been taught and open up worlds of excitement and information and knowledge to them. That is what I hope my bill can do.

We are going to, I hope and believe, train these teachers because of the President's initiative. But without the books to complement that training, I do not know if in fact we are going to make the progress we need to make.

We also understand this is a burden that is increasingly more difficult for local communities to bear. The price of an average school library book today is about $16. Yet it has been estimated that across the country the average amount of money expended per pupil on library material is $6.75 in elementary schools, $7.30 in middle schools, and $6.25 in high schools. And that is an average. I think you can understand there are some wealthy communities that are spending more, but there are a lot of very poor communities. So we can help. It is important, I believe, to help.

We want to go ahead and ensure that our children have excellent instruction in literacy but also excellent access to books so that they can in fact be literate, not just during the schoolday but throughout the day, not just as students but we hope as lifelong learners. My amendment will, I hope, do that.

It would provide $500 million in funding support for school libraries. It would not take away any resources from the President's Reading First Initiative. It also would target the funding to the poorest schools because we know that is the greatest need. We know that is where the library budget is usually close to zero. We know there we can make a difference—and we should make a difference.

It would provide great flexibility to these schools. There would be no standardized issue of books from Washington or elsewhere. It would allow local communities to make decisions about what they purchase. It would allow them to use these resources to train library specialists. And it would also establish, we hope, or inspire resource-sharing initiatives as exist in Ohio and Rhode Island, so that school libraries could be linked to academic libraries and to public libraries, to broaden the reach of the library program in each school.

It would also allocate funding on a formula basis to school districts, so that all needy districts and schools get the assistance they need to improve their libraries.

I believe it is very important to adopt this amendment in the context of this reauthorization. This bipartisan amendment is cosponsored by Senators SNOWE, KENNEDY, CHAFEE, BINGAMAN, WELLSTONE, MURRAY, CLINTON, SARBANES, JOHNSON, BAUCUS, LEVIN, REID of Nevada, ROCKEFELLER, DURBIN, DAYTON, and SCHUMER. It is supported by the American Library Association, the Association of American Publishers, and a wide array of educational organizations. It is a bipartisan amendment.

Let me again, for the record, reiterate several points.

My proposal does not create a separate standalone program. It incorporates school library acquisition funding as a component of the Reading First Program. This approach is as old as the Elementary and Secondary Education Act reauthorization. In 1965, when we first committed ourselves at the national level to help elementary and secondary schools, an important part of that commitment was helping school libraries directly to acquire books and library material.

I know there is a desire to consolidate many programs, but we have seen, at least in the case of the library program, where this consolidation has led to a diminution of resources for school libraries. If we are serious about literacy, we have to enhance the resources for school libraries.

So I urge that this amendment be adopted. I urge that we get on with the great task before us of ensuring that every child has access to excellent instruction in reading and also excellent books to read.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I believe I have time allotted as in morning business.

The PRESIDING OFFICER. That is affirmative.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 897 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JEFFORDS. 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, if the Senator from Rhode Island will be good enough to yield 5 minutes, I would like to rise to express my great appreciation to my good friend from Rhode Island for pursuing this issue regarding quality libraries in our schools across this country.

Among many other education issues, the Senator from Rhode Island has devoted an enormous amount of time, attention, efforts, and energy, to the issue of school libraries. Today, he has put before the Senate an extremely thoughtful amendment and one that is extraordinarily compelling. He has thought a great deal about the state of libraries in the nation's schools, and has consulted with many who have

worked on this issue throughout the course of their lives.

I was disappointed that, at the time of our markup of this legislation, we were unable to embrace Senator REED's proposal. Historically, we have made a major national commitment to reading. We have supported outstanding programs that promote literacy in young children, such as the Reading Is Fundamental Program, and the Everyone Wins Program, which was shepherded by the chairman of our committee, Senator JEFFORDS. Our efforts to promote and increase literacy have targeted all ages, from early literacy programs to those that serve adults later in life.

President Bush has also placed a tremendous emphasis on the importance of reading. He has furthered our commitment made last year in the Reading Excellence Act, through his Reading First and Early Reading First proposals in ESEA.

However, the idea of launching a major national literacy program without a commitment to the nation's libraries defies rational thought. We all understand the importance of reading, and we all recognize that schools—especially low-performing schools—which devote greater attention to reading early in the school day, for 60 or 90 minutes, will have greater success in ensuring that all students are strong readers. Prince George's County in Maryland has increased their results on statewide assessments of student performance, and reading was a key element of that increase. If we plan to make a commitment in terms of reading as a matter of national purpose, that commitment must be accompanied by a commitment to the libraries in our children's schools.

The idea that we do not have an effective, comprehensive library program is just missing the most basic, fundamental recognition of the relationship between a reading program and libraries. It defies understanding and explanation.

The Senator has reminded us that we have failed in the past to devote the proper attention to libraries and their impact on literacy. The Senator from Rhode Island now offers an amendment which is a responsible one, as well as one that I am very hopeful will be accepted.

I would like to take the opportunity to mention some comments from groups that have lent their support to this amendment. The Association of American Publishers states:

> It is a national disgrace that we live in the most technologically advanced nation in the world, yet our K–12 school libraries are packed with outdated books and materials. For our children to succeed in today's digital world, they first must learn to read and read well, and therefore need access to school libraries containing up-to-date information.

The American Library Association asserts:

> Many of the nation's school libraries have collections that are old, inaccurate, and out of date. How can we encourage children to read, continue their education in college and become life-long learners if the material we have available for them is inadequate?

We must give adequate attention to reading. Any that fail to support this amendment really fail to appreciate the relationship between literacy and libraries. This amendment is a very responsible one that makes a great deal of sense. I commend the Senator from Rhode Island for bringing this amendment forward. We have all been dilatory in understanding this very important and major hole in our educational system. The good Senator is going to help us to address it with his amendment. I am very hopeful that it will have overwhelming support.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island.

Mr. REED. Mr. President, I thank Senator KENNEDY for those insightful words and also for his leadership on this legislation. He, along with Chairman JEFFORDS, has been battling and moving along to try to bring, ultimately, a bill that will improve education in the United States.

I believe, as evidenced by this amendment, that one very pragmatic, practical way to do this is to help local communities acquire library materials for their schools. In fact, I am always amazed that there is any controversy about this issue. It seems to me to be the most obvious complement to the President's program for literacy and also one of those programs which doesn't raise issues of curriculum, doesn't raise issues of local control, doesn't raise issues of any seriousness.

Frankly, I hope that each of my colleagues will recognize that allowing local communities, local school systems to buy books is something we should be doing and not rejecting.

I hope that at 1:45, when the roll is called, we will have the strongest possible support. This is a bipartisan initiative, cosponsored, along with many Senators, by Senators SNOWE and CHAFEE. I hope we can get a good, solid vote for school libraries when this roll is called.

I reserve the remainder of my time 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. REED. 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. REED. Mr. President, I understand the quorum call is being charged to my time. I ask unanimous consent that, pursuant to the unanimous consent agreement, it be evenly divided and charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Mr. President, I ask unanimous consent to be allowed to speak for 5 minutes at the conclusion of the quorum call and prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. BOND. I ask the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 476, AS MODIFIED

Mr. BOND. Mr. President, I call up amendment No. 476 and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

> The Senator from Missouri [Mr. BOND] proposes an amendment numbered 476, as modified.

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

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

The amendment is as follows:

(Purpose: To strengthen parental involvement)

On page 763, lines 23, insert ''(including statewide nonprofit organizations)'' after ''organizations''.

On page 764, line 4, strike ''(including parents of preschool age children)'' and insert ''(including parents of children from birth through age 5)''.

On page 764, line 17, insert ''(including statewide nonprofit organizations)'' before the comma.

On page 765, line 4, insert ''and Parents as Teachers organizations'' after ''associations''.

On page 765, line 14, insert ''(including a statewide nonprofit organization)'' before ''or nonprofit''.

On page 767, line 23, strike ''part of'' and insert ''at least ½ of''.

On page 768, line 2, insert ''or other early childhood parent education programs'' before '';''.

On page 769, line 22, insert ''(such as training related to Parents as Teachers activities)'' before the semicolon.

On page 770, line 8, strike ''and''.

On page 770, line 12, strike the period and insert ''; and''.

On page 770, between lines 12 and 13, insert the following:

''(6) to coordinate and integrate early childhood programs with school age programs.

Mr. BOND. Mr. President, I understand my colleague from Rhode Island has requested 5 minutes. I intend to do this briefly. But I think it is very important that we consider this issue. I believe the amendment can be accepted on both sides to make sure that we deal properly with early childhood education.

I have come to this Chamber many times to state that research has now verified what parents have known instinctively for generations, and teachers will tell us time after time that the first years of life are absolutely crucial development periods for children. How well the parent handles that early time with the child will determine how well that child performs in school later on. Infant brain development occurs very rapidly. The sensations and experiences of this time go a long way toward shaping the baby's mind in a way that has long-lasting effects on all aspects of the child's life.

We have learned in Missouri from a program called Parents As Teachers that we can assist parents and families to be better in playing this role that is key to the child's development. Early positive interaction between parents and guardians plays a critical role.

A child's education and mental development begin very early in life. Through this amendment, we seek to ensure the continued support of families with the youngest children to find the early childhood parent education programs that can help those families and parents provide supportive, stimulating environments we know all children need.

We must focus on the earliest years before formal schooling. We know that half of the child's mature intelligence develops in those first critical 3 years.

This amendment provides no new money. All the amendment does is clarify that the early childhood and early childhood parent education is to be a key focus of title VI, Part A.

I have talked about the Parents As Teachers Program that really was developed in Missouri. I managed to carry it statewide when I was Governor. One of the great successes is that it now has over 150,000 families in Missouri, with 200,000 children benefiting from it. If you want to find out whether it is working, I just ask that you go and talk to the parents who have been in the program. They are the ones who can tell you it works. We have scientific assessments that show it works.

The PAT, the Parents As Teachers, is an early childhood-parent education program that empowers all parents—regardless of income level, regardless of social condition—to give their children the best possible start in life.

We have programs now in all 50 States and in 6 foreign countries.

It provides information to parents on child development from birth to age 5. It has voluntary participation. It is tailored to meet the needs of each parent, and it is often included as part of Even Start and other title I programs. We have found it works very well with Head Start.

The PAT Program benefits the children, but it also helps the parents develop the confidence to take an active role in their children's education.

Earlier this year, I received a report from the Missouri Department of Elementary and Secondary Education: The School Entry Assessment Project. The findings throughout are that the highest performing children in schools are the ones whose parents have participated in Parents As Teachers. It further shows that special needs children who participate in Parents As Teachers in preschool, in addition to an early childhood special education, are rated by teachers as being similar in preparation to the average child.

These findings sum it all up. Parents As Teachers works. It works for children raised in households of all income levels. It works for children who are home schooled. It works for children with special needs.

My amendment makes certain that priority is given to these programs, such as Parents As Teachers, HIPPY, and others. For any of my colleagues who would like a fuller description of it, I happen to have a few pamphlets available. You can contact my office, and I will provide you with that.

Mr. President, I ask unanimous consent that a 2-page summary of the evaluation of Parents As Teachers be printed in the RECORD.

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

EVALUATIONS OF PARENTS AS TEACHERS

A PARTIAL LIST

In 1985, an independent evaluation of the Parents as Teachers (PAT) pilot project was conducted. Evaluators randomly selected 75 project families from a group of 380 first-time parents representing Missouri's urban, rural and suburban communities, and, from the same communities, 75 comparison families who had not received PAT services. Posttest assessments of children's abilities and parents' knowledge and perceptions showed that PAT children at age three were significantly more advanced in language, problem-solving and other intellectual abilities, and social development than comparison children. PAT parents were more knowledgeable about child rearing practices and child development.

(Pfannenstiel, J., and Seltzer, D. Evaluation report: New Parents as Teachers project. Overland Park, KS: Research & Training Associates, 1985.)

A follow-up study of the pilot project showed PAT children scored significantly higher on standardized measures of reading and math at the end of first grade than did comparison children. In all behavorial areas assessed by their teachers, the PAT participant children received higher ratings than the comparison group children. A significantly higher proportion of PAT parents initiated contacts with teachers and took an active role in their child's schooling.

(Pfannenstiel, J. New Parents as Teachers project follow-up study. Overland Park, KS: Research & Training Associates, 1989.)

Results of the 1991 Second Wave evaluation of the PAT program's impact on 400 randomly selected families enrolled in 37 diverse school districts across Missouri indicated both children and parents benefited. At age three, PAT children performed significantly higher than national norms on measures of language and intellectual abilities, despite the fact that the Second Wave sample was over-represented on all traditional characteristics of risk. More than one-half of the children with observed developmental delays overcame them by age three. Parent knowledge of child development and parenting practices significantly increased for all types of families. There were only two documented cases of abuse and neglect among the 400 families over a three-year period.

(Pfannenstiel, J., and Lambson, T., and Yarnell, V. Second wave study of the parents as teachers program. Overland Park, KS: Research & Training Associates, 1991.)

A follow-up study of the Second Wave sample was initiated in 1993 to assess the longer-term impacts of program participation. This study focused on the early school experiences and peformance of the PAT children, and their parents' involvement in their children's school and in activities to support learning in the home. PAT children scored high on measures of complex and challenging tasks. Overall, the relative level of achievement children demonstrated at age three on completion of the PAT program was maintained in the first (or in some cases second) grade. This held true despite broad diversity in children's experiences with preschool, child care, kindergarten and primary grades. PAT parents demonstrated high levels of school involvement, which they frequently initiated.

(Pfannenstiel, J. Follow-up to the second wave study of the Parents as Teachers program. Overland Park, KS: Research & Training Associates, 1995.)

A series of studies of PAT program participation and school readiness has been carried out in the Binghamton, New York School District. Children enrolled in kindergarten in Binghamton in 1992 were tested in pre-kindergarten and again in kindergarten. PAT children had significantly higher cognitive, language, motor, and social skills than non-participants. These advanced skills led to higher grades in kindergarten and lower remedial and special education costs in first grade. PAT families also had substantially reduced welfare dependence and half the number of suspected child abuse and neglect cases compared to comparison groups. When assessed again in second grade, PAT children continued to perform better on standardized tests and required fewer remedial and special education placements.

(Drazen, S., and Haust, M. Increasing children's readiness for school by a parental education program. Binghamton, NY: Community Resource Center, 1994; Drazen, S. and Haust, M. The effects of the Parents and Children Together (PACT) program on school achievement. Binghamton, NY: Community Resource Center, 1995; Drazen, S., and Haust, M. Lasting academic gains from and home visitations program. Binghamton, NY: community Resource Center, 1996.)

A study demonstrating the effectiveness of PAT was conducted by the Parkway School District, a large suburban district in St. Louis County. Third graders who had received PAT with screening services from birth to age three scored significantly higher on standardized measures of achievement than non-participating counterparts. PAT children had a national percentile rank of 81, while non-participating students had a rank of 63 on the Stanford Achievement Test, with a significant difference in scores on all subtests. The study also reported PAT graduates were less likely to receive remedial

reading assistance or to be held back a grade in school. PAT ''graduates'' continued to significantly outperform non-PAT children on the Standard Achievement test in fourth grade.

(Coates, D. Early childhood evaluation. Missouri: A report to the Parkway Board of Education, 1994. Coates, D. Memo on one-year update on Stanford scores of students—early childhood evaluation study group. St. Louis County, MO: Parkway School District, Dec. 26, 1996.)

Researchers in North Carolina have followed 97 families who were involved in the Rutherford County PAT program beginning in 1991. The PAT children were compared to 61 children whose families did not receive PAT services, and another 61 whose families received a quarterly educational newsletter from PAT, but no direct services. Children were assessed upon entry into kindergarten. the PAT children outperformed children from both comparison groups on measures of cognitive, language, motor, and self-help skills, with significant differences on the language and self-help measures. Also, PAT parents talked to their children significantly more often about their daily activities.

(Coleman, M., Rowland, B., and Hutchins, B. Parents as Teachers: policy implications for early school intervention. Paper presented at the 1997 annual meeting of the National Council on Family Relations, Crystal City, VA: November 9, 1997; Parents as Teachers: Kindergarten screening final report. Rutherford County, VA: Rutherford County Schools, May, 1998.)

A 1999 study of kindergarten readiness involved 3,500 kindergartners from randomly selected districts and schools across Missouri. Results showed that children who participated in PAT had significantly higher readiness scores than children who did not, as rated by both kindergarten teachers trained in the evaluation process and by parents. The study also showed that PAT in combination with other kinds of preschool experiences (home child care, center-based child care, preschool, Head Start) resulted in higher kindergarten readiness scores for children.

(Pfannenstiel, J. and Barr, S. School entry assessment; the power of PAT participation. Paper presented at the Parents as Teachers Annual International Conference. St. Louis, Mo. June 1999.)

Mr. BOND. Mr. President, studies and reports have shown that PAT children at age 3 are found to be significantly more advanced than comparison children in language, problem solving, and social development. Often, through participation in PAT, learning problems or development delays are identified and treated early.

PAT parents are more confident in their parenting abilities and knowledge. The great thing is, PAT hooks parents early on which means that they are more likely to stay involved in their children's schooling.

We all know that we can have all the programs in the world and can provide all the funding possible, but one of the main ingredients to a child's success in school is the involvement of the child's parents in the child's education.

As I said, earlier this year I received a copy of a report from the Missouri Department of Elementary and Secondary Education. The report was the ''School Entry Assessment Project''. The summary of findings reinforced my interest, support, and commitment to PAT. The findings of the report are as follows:

1. When Parents as Teachers is combined with any other pre-kindergarten experience for high-poverty children, the children score above average on all scales when they enter kindergarten.

2. The highest performing children participate in PAT and preschool or center care. Among children who participate in PAT and attend preschool, both minority and non-minority children score above average. Children in both high-poverty and low-poverty schools who participate in PAT and attend preschool score above average when they enter kindergarten.

3. Among children whose care and education are sole home-based, those whose families participate in PAT score significantly higher.

4. Special needs children who participate in PAT and preschool in addition to an early childhood special education program are rated by teachers as being similar in preparation to the average child.

5. Head Start children who also participate in PAT and another preschool score at average or above when they enter kindergarten.

This findings sum it all up. PAT works. PAT works for children raised in household of all income levels. PAT works for children who are home-schooled. PAT works for our special needs children.

My amendment makes certain that priority is given to programs such as PAT and other early childhood parent education programs.

With that, Mr. President, I urge my colleagues to support this amendment.

I yield the floor.

AMENDMENT NO. 425, AS MODIFIED

The PRESIDING OFFICER. There are 5 minutes of debate remaining under the control of the Senator from Rhode Island.

Mr. REED. Mr. President, I will reiterate the importance of this amendment and summarize it. But I also understand that the Senator from Maine is here, and I am delighted and honored to yield 1 minute to her.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend the Senator from Rhode Island for his work on this issue. He has been a long-time, strong advocate for improving libraries in our Nation's schools. I was pleased to work with him in refining parts of this amendment to make sure that it did not take funds away from the important reading programs.

I thank the Senator from Rhode Island for his efforts and pledge my support for the amendment.

Mr. President, I ask unanimous consent to be added as a cosponsor.

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

Ms. COLLINS. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Maine not only for her gracious statement and her support but also for her leadership on the Reading First Literacy Program, the President's program. As we all know, last week unanimously we adopted her amendment which focused and refined the President's proposal. I believe, as Senator COLLINS believes, that a complement to that program is the program that I am supporting today, which would allow local communities to acquire library materials for their school libraries. I thank her very much for her cooperation, her leadership, and her collaboration on this effort.

Mr. President, let me just emphasize what my amendment, as modified—working closely with Senator COLLINS—would do.

It is designed to complement the President's approach to literacy, to improve reading so that those improvements in reading can be translated to better academic performance and better performance throughout a person's entire life.

It gives flexibility to the States. It authorizes $500 million. It is a targeted program going to the poorest schools because that is where the greatest need is. It allows local communities the flexibility to decide what library materials they need for their school libraries.

It is a bipartisan effort. I am so delighted to have been joined at this point by Senator COLLINS, along with Senator SNOWE and Senator CHAFEE, and many colleagues.

It is an amendment that is supported by the American Library Association and the Association of American Publishers.

It is important to note, as was suggested by my colleague, Senator COLLINS, what the amendment does not do. It does not preempt or distort the President's program, the Reading First Initiative. It is not a new program or a separate program. It is part of America First, and is as old as the Elementary and Secondary Education Act.

In 1965, the first time this Congress spoke out decisively to help local schools, a large part of that was direct funding for school libraries. In fact, those books, in some cases, are still on the shelves today.

Interestingly, the President has appointed Dr. Susan Neuman as his nominee to be Assistant Secretary for Elementary and Secondary Education. Her research shows that books are important. In fact, she published an article in ''Reading Research Quarterly,'' the title of which is, ''Books Make A Difference: A Study of Access to Literacy.'' My amendment could properly be subtitled: ''Books Make A Difference.''

We have a strong program for reading instruction, for literacy, championed by Senator COLLINS, but books make a difference. We can make that difference by supporting the Reed amendment.

Again, the President has entrusted Dr. Neuman with the implementation of this literacy program. I hope that she would echo today my comments here and say: Once again, books do make a difference.

I hope that when the roll is called in just a few moments we will have strong bipartisan support for this amendment which will allow local communities to acquire the materials they need so their children—every child in this country—can succeed.

With that, Mr. President, I yield the floor and reserve whatever time I have.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time having expired, under the previous order, the pending amendment is laid aside, and the question occurs on agreeing to Reed amendment No. 425, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REED. I announce that the Senator from Missouri (Mrs. CARNAHAN) is absent attending a funeral. I further announce that, if present and voting, the Senator from Missouri (Mrs. CARNAHAN) would vote ''aye.''

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—69

Akaka	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Boxer	Fitzgerald	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Grassley	Reed
Campbell	Harkin	Reid
Cantwell	Hollings	Rockefeller
Carper	Hutchison	Sarbanes
Chafee	Inouye	Schumer
Cleland	Jeffords	Sessions
Clinton	Johnson	Shelby
Cochran	Kennedy	Smith (OR)
Collins	Kerry	Snowe
Conrad	Kohl	Specter
Corzine	Landrieu	Stabenow
Daschle	Leahy	Torricelli
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden

NAYS—30

Allard	Frist	McConnell
Bennett	Gramm	Nickles
Bond	Gregg	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Smith (NH)
Burns	Helms	Stevens
Craig	Hutchinson	Thomas
Crapo	Inhofe	Thompson
Ensign	Kyl	Thurmond
Enzi	Lott	Voinovich

NOT VOTING—1

Carnahan

The Amendment (No. 425), as modified, was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that following the adoption of the following amendments, which have been cleared—Cleland amendment No. 430 and Akaka amendment No. 524—Senator ENZI be recognized to offer a first-degree amendment regarding the subject matter contained in the Harkin amendment and there be 1 hour of debate equally divided on the Enzi amendment, the Harkin amendment No. 525, and the Hutchinson amendment No. 550 concurrently, and that votes occur on the amendments in the order listed above at the use or yielding back of time, with no second-degree amendments in order to any of the amendments mentioned above; that Senator CLELAND be recognized for 10 minutes and Senator AKAKA be recognized for 5 minutes on their amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii.

AMENDMENT NO. 524 TO AMENDMENT NO. 358

(Purpose: To provide for excellence in economic education)

Mr. AKAKA. Mr. President, I thank my colleague for permitting me to go before him.

I ask that my amendment, which is at the desk, amendment No. 524, which is cosponsored by my friend from New Jersey, Senator CORZINE, be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mr. CORZINE, proposes an amendment numbered 524 to amendment No. 358.

Mr. AKAKA. 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 text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. AKAKA. Mr. President, this amendment is similar to the economic education legislation which I introduced during the 106th Congress. That legislation received considerable bipartisan support from my colleagues, Senators BAYH, BREAUX, CLELAND, COCHRAN, COLLINS, CRAPO, DASCHLE, DODD, DURBIN, ENZI, HAGEL, JOHNSON, Bob Kerrey, JOHN KERRY, LANDRIEU, LINCOLN, LUGAR, Moynihan, SNOWE, and WELLSTONE.

With each passing day, the need for increased economic literacy becomes more and more apparent. Our nation's economy is undergoing enormous changes. When I first introduced economic education legislation, we were in the midst of unprecedented economic growth and the longest peacetime economic expansion in our nation's history. More recently, however, the stock market experienced serious volatility and the NASDAQ suffered a sharp downturn. A number of employers, especially in the technology sector, have released a substantial number of their employees. The Federal Reserve has cut interest rates five times this year, the most recent cut occurring yesterday, in an effort to prevent our nation from sliding into an economic recession.

Economic changes such as these highlight the importance of economic and financial literacy. I am convinced that increased education about basic economic principles such as money management, personal finance, interest rates, and inflation will assist all Americans in making informed decisions about their financial situations. Beginning this education at a young age will better equip future generations to manage their financial affairs in our rapidly and constantly fluctuating economy. It is critical that today's students learn that there are consequences for every fiscal decision they make because the fiscal habits they learn now are likely to be the habits that remain as adults.

We must also assist today's students in becoming productive and well-informed citizens. Studies have shown that a lack of individual knowledge about fundamental economic principles can lead to negative effects on our national economy. Economic education, or the lack of it, has profound long-term effects on us all. In an April 6, 2001, speech, Federal Reserve Chairman Alan Greenspan concurred with this assessment. In that speech, Chairman Greenspan articulated his belief that our nation's schools need to improve their ability to teach young people basic financial education. He also stated that this financial education should begin as early as possible.

I would like to share some of the results of a national test on basic economic principles conducted by the National Council on Economic Education in 1998 and 1999, which provide further evidence of the need for increased economic education. These results are based on responses from 1010 adults and 1085 high school students. Both the students and adults alike lacked a basic understanding about the fundamental concepts of money, inflation, and scarcity of resources. One-half of the adults and two-thirds of the students tested did not know that the stock market brings people who want to buy stocks together with those who want to sell them. Thirty-five percent of the students taking the test admitted that they do not know what the effect of an increase in interest rates would be. Only a little more than half of the adults and less than a quarter of the students tested knew that a budget deficit occurs when the Federal Government's expenditures exceed its revenues for that year. Amid these disappointing results, the study found that 96 percent of Americans believe that basic economics should be taught in high school. Yet, few States require students to take an economics course in order to graduate, or have adopted guidelines for teaching economics in their schools, or, alarmingly, even require schools within their State to offer a course on economics to be made available.

This amendment aims to increase student knowledge of, and achievement

in, finance and economics by strengthening our nation's teachers' understanding of, and ability to teach economics. It provides resources to incorporate economics into K through 12 curricula. It encourages economics-related research and development, dissemination of instructional materials, and replication of best practices and programs. And it also increases private and public support for economic education partnerships between schools and local businesses. The need for economic literacy should be no different from, or less important than, reading literacy, writing aptitude, or math and science comprehension.

I want to thank my colleague, Senator CORZINE, for joining me in this effort to improve our nation's financial literacy. I urge all of my colleagues to support our amendment and ensure that our nation's youth are sufficiently prepared for their financial futures.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think we are ready to accept the amendment. We know of no other speakers. I hope we can at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 524) was agreed to.

Mr. KENNEDY. 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.

AMENDMENTS NOS. 377 AND NO. 429 WITHDRAWN

Mr. CLELAND. Mr. President, I ask unanimous consent to withdraw amendments No. 377 and No. 429.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

AMENDMENT NO. 430 TO AMENDMENT NO 358

Mr. CLELAND. Mr. President, I call up amendment No. 430 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 430 to amendment No. 358.

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

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

The amendment is as follows:

(Purpose: To add, for funding under the program of grants for State and local instructional activities for language minority students, other activities that provide enhanced instructional opportunities and related services for such students and their parents)

On page 480, line 12, strike the period at the end and insert a semicolon and the following:

''(6) other instructional services that are designed to assist immigrant students to achieve in elementary and secondary schools in the United States, such as literacy programs, programs of introduction to the educational system, and civics education; and

''(7) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant students by offering comprehensive community social services, such as English as a second language courses, health care, job training, child care, and transportation services.''.

Mr. CLELAND. Mr. President, let me first say that there was a printing error regarding amendment number 430 when it was printed in the May 9th CONGRESSIONAL RECORD. The amendment was correctly printed in its entirety in the May 14th RECORD.

Mr. President, this amendment addresses the explosion of immigrants coming to this country over the past decade. Information from the 2000 Census shows that the impact from this wave of immigration is transforming the nation. The Latino population, for example, is up 60 percent since 1990 and now, for the first time ever, it is roughly equal to the population of African Americans in the U.S. New York's population now tops 8 million, a record number which is a direct result of its rising numbers of Asians and Hispanics.

These changes are summed up in one astounding fact from the Census Bureau: recently arrived immigrants and refugees will account for 75 percent of the U.S. population growth over the next 50 years. And let me add that these changing demographics are impacting not just communities accustomed to large immigrant populations like New York, Los Angeles and Miami, but also non-traditional immigrant communities in states like Wisconsin, Iowa, Nebraska, Oklahoma, Georgia, Alabama, and the Carolinas.

Like our communities, our schools are feeling the impact of this new wave of immigration. A record number of children with diverse linguistic and cultural backgrounds are enrolling in America's classrooms. In Wayne County, MI, for example, 34 percent of the student population are Arabic-speaking and receive special help. The Waterloo, IA school system is being challenged to teach hundreds of Bosnian refugee children, who came to America without knowing our language, culture or customs. In Dalton, GA, public school enrollment of Hispanic students is now 51 percent, up from just 4 percent ten years ago. This is an incredible increase—from just 4 percent a decade ago to over half of the student body population today.

This surge in immigration is increasingly challenging U.S. schools and communities from Florida to Washington State. We need to provide resources to these communities to help ensure that these children—and their families—are served appropriately. We know from national studies that where quality educational programs are joined with community-based services, immigrants have an increased opportunity to become an integral part of their community and their children are better prepared to achieve success in school.

This amendment is based on legislation Senator Coverdell and I introduced in the last Congress. It would provide support to schools and communities experiencing an influx of recently arrived immigrant families. Specifically, it would expand the use of funds under the Emergency Immigrant Education set-aside to include activities which, No. 1, provide enhanced instructional opportunities to assist culturally and linguistically diverse children achieve success in America's schools; and which, No. 2, allow local educational agencies to partner with community-based organizations to provide the families of immigrant children access to comprehensive community services, including English as a second language courses, health care, child care, job training and transportation. This amendment is endorsed by the U.S. Conference of Mayors, the National Association for Bilingual Education, the Hispanic Education Coalition, the League of United Latin American Citizens, and the National Council of La Raza.

Mr. President, I ask unanimous consent to temporarily lay the amendment aside.

Mr. KENNEDY. Reserving the right to object, I would like to just say a quick word on that amendment. I think we are prepared actually to accept it if the Senator wants to press it. I would like to take just 1 minute on this amendment.

I thank the Senator for raising this issue.

Today there are approximately 800,000 migrant children in the nation. They are all going to become citizens of our country. By and large, they have placed an enormous burden on local communities.

Years ago, the Federal Government provided help and assistance to families when they resettled in a local community for up to 18 months. There were resources available to schools. All of that has been cut back. We are back to about 4 months now.

So basically, the Federal Government has abdicated its support for local communities. There are a number of people, for example, the Cambodians, who came to this country and were settled by religious groups in different parts of the country. We found—which was their choice—there were major groupings of Cambodians in Lowell, MA.

We have a higher Cambodian population in Lowell, MA, than in Phnom Penh. They placed an enormous initial burden on the school community because of the destruction by Pol Pot of all of the information, all of the books. They did not have any training. The burden fell on a blue-collar community to try to respond to the kinds of challenges which, for these children, were

overwhelming. But they did it. And they deserve great credit for it.

Now, if you look at the various schools up in Lowell, half of the valedictorians from the high school will be the sons and daughters of these extraordinary, resourceful people. I think the Senator has put his finger on an important need.

Finally, last year, when we were considering the Elementary and Secondary Education Act, there was no additional assistance included in that legislation for migrant, homeless, or immigrant students. There is additional assistance in this legislation. I would not support this bill if it did not provide for these students because they number over 1.5 million children. It would have been a great mistake not to increase support for these students in this bill.

The Senator has recognized a very important need. He is presenting this so there will be local options. Communities will be able to use these resources.

I thank him for raising it. I am very hopeful we can accept the amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I join in the accolades by the Senator from Massachusetts and say that this amendment is an excellent amendment. Even in little old Vermont, we have schools with 20, 22 students who have English as their second language. There have been problems that we never imagined we would have. We believe this bill—all over this Nation—will be very helpful.

As far as I am concerned, we can accept the amendment to ensure its passage.

Mr. CLELAND. I thank the distinguished Senator from Vermont and the distinguished Senator from Massachusetts and ask that my amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 430.

The amendment (No. 430) was agreed to.

Mr. CLELAND. Mr. President, I would now like to ask unanimous consent to call up amendment No. 449 for its immediate consideration and ask unanimous consent Senator JACK REED be added as a cosponsor.

Mr. JEFFORDS. Reserving the right to object, we have an order, I think in place, an amendment by Senator ENZI. I believe that it would be right to take that amendment up first.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the Senator from Wyoming is recognized.

AMENDMENT NO. 649 TO AMENDMENT NO. 358

(Purpose: To modify provisions relating to school construction)

Mr. ENZI. Mr. President, under the previous agreement, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] for himself, Ms. SNOWE, Mr. HAGEL, and Mr. DEWINE, proposes an amendment numbered 649 to amendment No. 358.

Mr. ENZI. Mr. President, 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 located in today's RECORD under ''Amendments Submitted and Proposed.'')

Mr. ENZI. Mr. President, I am pleased to be on the floor today to discuss an amendment that deals with the area of school construction that Senator HARKIN has been talking about. I bring forward a proposal along with Senator SNOWE, Senator HAGEL, and Senator DEWINE. I would like to take this opportunity to thank them for their hard work, as well as the hard work of their staffs.

I know that we can all agree that there are schools across the Nation that are in need of repairs and renovation. Just because we can agree on the problem, however, does not mean that we can agree on a solution Senator HARKIN's proposal to create a new Federal program to fund school construction is a good example. While I understand that a need exists in many of our Nation's schools, I do not believe there is a Federal responsibility to address that need, especially if States and local school districts have not made every effort to address the issue on their own. I also believe that it is extremely important that we do not ignore preexisting Federal school construction obligations in favor of new school construction programs.

It is for these reasons that I have drafted this amendment, which will target all Federal school construction funds toward existing obligations to fund the construction and renovation needs of schools on Indian reservations and schools impacted by Federal land holdings. This amendment would also make construction and maintenance of high-poverty schools a priority and create a revolving loan fund that States could use to help schools make interest payments on school construction bonds.

I would also like to emphasize the importance of appropriately targeting limited resources where they are needed most. That is why my amendment requires that any grant funds available after existing Federal obligations are met should be highly targeted to the schools most in need. In addition to identifying the truly neediest schools, the local districts and States must demonstrate that they are already doing all they can to meet the needs of those schools.

I believe that a tier of schools does exist where traditional school construction financing is extremely difficult for a local community. The capacity of the local tax base, particularly in rural communities, is not as flexible or far-reaching as urban or suburban districts. In high poverty districts, the bonding capacity may fall dramatically short of the cost to renovate or construct a school. In those cases, the States should be doing more. And, in providing direct Federal support for school construction, we should never extend that reach beyond such schools.

Some of my colleagues have cited several studies that claim that our Nation's school construction needs range from $112 billion—according to the Government Accounting Office—to $125 billion—according to the National Center for Education Statistics. We all view these numbers as a national disgrace, but for very different reasons. My colleagues on the other side of the aisle would suggest that these numbers indicate that the Federal Government has failed to fulfill its duty to fund school construction. I, on the other hand, believe that these numbers suggest that State and local communities have abandoned their responsibilities and allowed our schools to fall into disrepair.

As a former member of both houses of the Wyoming State Legislature, I understand that school construction has always been the responsibility of State and local governments. I also understand how hard some States, such as Wyoming, are working to make sure that they are fulfilling their responsibility to equitably distribute school construction funds.

I have been troubled to see some of the data that indicates that States and local governments have the capacity to do more to fulfill their own construction needs. During the last session of Congress, members of the Congressional Research Service testified before the Health, Education, Labor and Pensions Committee, that I serve on, that between 1990 and 1998 State and local budget surpluses grew from $80.1 billion $148.7 billion. A December 2000 press release from the National Governors' Association revealed that States cut taxes and fees by $5.8 billion in fiscal year 2001. This is the seventh consecutive year States have reduced taxes and fees. That is from a National Governors' Association press release from December 12, 2000.

According to the American School & University's 24th Annual Construction Study, school districts allocated 9.4 percent of their net current expenditure for maintenance in 1997, a substantial drop from the 12.75 percent allocated 10 years earlier. You can see from this data that if the current level of expenditures on school construction by States and local governments are deemed to be inadequate it is not because of a lack of capacity to do more.

I also think it is important to inform my colleagues who try to assert that the Federal Government is doing nothing to deal with the issue of the declining quality of our Nation's schools that according to the Congressional Research Service the overall estimated

cost or revenue loss for the total of tax-exempt bonds—that is taxes the Federal Government does not get—in 1999 was $25 billion. The most recent data for bonds that specifically support school construction comes from 1996, with an estimated cost/revenue loss at $3.7 billion. In other words, albeit indirect, there is clearly currently Federal support of school construction through the tax exemption we provide on construction bonds.

In addition to having very strong reservations about introducing a new Federal education responsibility in the face of calls to prioritize existing Federal obligations, I am very concerned about creating inequities among States. As I have said, I firmly believe that funding school construction is a State and local responsibility. To that end, there are some States that are making tough decisions and dedicating the resources needed to fulfil their obligation to children in public schools.

Wyoming is not alone in having experienced years of legislation and litigation in an effort to ensure that all children are provided an education in safe, appropriate classrooms. The State will soon dedicate significant new resources towards school construction. A lot of time and money has already been spent assessing every school in the State to determine which communities are the neediest. The State of Ohio has undertaken a similar effort.

For those States that are not as far along in prioritizing school construction, why should they get a better deal under a Federal grant program? The proponents of the Harkin amendment may argue that there is a provision requiring the funds to be a supplement to existing resources. However, if a State is not already dedicating meaningful resources, and doesn't have a plan or initiative which calls for additional resources, it looks to me like they would be eligible for funds under this new program. That is simply not fair. If they are not doing something, they get money. If they are, they do not. It is not an appropriate use of Federal tax dollars. And it forever lets the entities responsible for school construction off too easily. That bring me to my most important point. The neediest schools are not being targeted enough by States. They will not be targeted sufficiently under the proposal by the Senator from Iowa.

It is imperative that any additional Federal support we provide be strictly linked to the highest need schools. There will never be enough money to address the estimated $127 billion in construction needs, even if we did all agree that Federal funds should be expended. In fact, in 2000, almost $26 billion was spent on public K–12 construction, with nearly $27 billion in spending forecast for this year. A similar amount is also forecast to be spent each year through 2004.

All of this data is available through the National Clearinghouse for Educational Facilities, which Congress established after the General Accounting Office released a series of studies on school construction over the last few Congresses.

In addition to providing basic data on facilities financing, the clearinghouse is intended to serve as a resource for schools and public officials on how to properly assess their construction needs, how to develop a model school construction proposal, and how to meet the unique needs of their community. We should not be embarking on a path that either displaces this effort or discourages States and locales from meeting the school construction needs of their communities.

This is vitally important in rural communities. Those communities face hardships in meeting their construction needs as it is, but we cannot set them up with the false hope of erasing their need to pass bond initiatives or to pressure the State for more help. There are roughly 80,000 public schools in this country. Half are in rural areas or small towns.

As we consider the Enzi-Snowe-Hagel-DeWine amendment and the Harkin amendment as a whole, I should like to remind my colleagues that we do not serve any of our Nation's children by ignoring the commitments we have already made while making new promises that we can't keep. We owe our children more than that, and I hope as we move forward with the legislation we will keep that in mind.

I reserve the remainder of my time and yield the floor.

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

Mr. JEFFORDS. Mr. President, may I inquire of the Senator from Wyoming, are we through with his presentation?

Mr. ENZI. Mr. President, it is my understanding that other Senators will be down shortly to make a presentation—the Senator from Iowa and the Senator from Colorado.

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. 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, I ask unanimous consent that the time be charged equally to both sides.

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I listened as best I could to the presentation made by my friend from Wyoming on his amendment. Let's recap a little bit.

As I said yesterday, we have been trying for some time to get money for school construction and repair to help beleaguered schools around the country. We did that last year in an agreement. I ask my friend from Wyoming if he knows this. But in last year's appropriations bill, there was an agreement hammered out on a bipartisan basis and a bicameral basis. It was signed off on the House side. We worked with Congressman GOODLING, Congressman PORTER, Congressman OBEY; on the Senate side, Senator SPECTER and I, Senator JEFFORDS, and Senator KENNEDY were all involved in the negotiations—and the White House.

We came up with a program that provided $1.2 billion this year that would go out to States under broad guidelines to help them meet the needs of their poorest school districts in terms of meeting fire and safety code, renovation for technology, and 25 percent of the money was set aside to meet the needs of disabled students under IDEA.

I didn't know this until I just read the Enzi amendment, but the Enzi amendment wipes out that $1.2 billion. This is a list of all the States that are going to get this money 2 months from now of the $1.2 billion that was appropriated for this year. The Enzi amendment is not prospective. It takes the $1.2 billion this year and reneges on what the Senate, the House, and the White House signed off on last year.

That is eminently unfair. A lot of these school districts in the States already know the amount of money that they have applied for and that has been approved. The money hasn't gone out yet. It is going out the first of July. But they have applied for it, and they know what they are going to get. Now the Enzi amendment just wipes it out. You can see how much money some of the States will lose.

The Enzi amendment will take a lot of this money and put it in the Department of Defense. I don't know if that makes any sense at all. Then there are all these hurdles that a State has to jump through before it can get any of the renovation money. I thought we Democrats were the ones always being accused of tying the hands of the States and telling them exactly what they had to do. Read the Enzi amendment. There are more hoops and more barriers and more hurdles and more paperwork the States will have to confront than anything I have seen offered in the Senate in a long time.

For example, he says—just to illustrate how unfair the amendment will be—that before a school can qualify, 50 percent of the enrollment will have to come from families whose income does not exceed the poverty level. That is a public school. He says before a public school facility can get any of this construction or renovation money, 50 percent of the enrollment will have to be

from families whose income does not exceed the poverty level.

I ask the Senator from Wyoming how is he going to determine that. There is no way to determine that. I ask the Senator from Wyoming to please tell us how he is going to determine if a public school has 50 percent of enrollment from families whose income is below the poverty level.

The only measure we have right now is from a school district and schools based upon free and reduced-priced lunches. That is based on 185 percent of poverty. It is based on school districts. I ask the Senator from Wyoming, how is a public school in your State, my State, Minnesota, Vermont, or any other State, going to show that 50 percent of its enrollment is from families whose income does not exceed the poverty level? As you say, ''as determined by annual census data published by the Department of Labor.'' The Department of Labor does not publish census data by schools.

So this is a very poorly drafted amendment. I don't know what the author was trying to get at. I say to my friend from Wyoming that you cannot in any way determine how you are going to have 50-percent poverty from a school.

That is the first hurdle that is impossible. Think of the paperwork. Think of what a school would have to go through to find out whether or not 50 percent of its enrollment are kids from families who do not exceed the poverty level.

First of all, I think that would be impossible. Secondly—and here is something that is unfair—Mr. ENZI says the other hoop is that the school has to be located in a district in which the district's bonded indebtedness basically has reached or exceeded 90 percent of the debt limitation imposed upon school districts pursuant to State law.

Well, what about a school district in a rural State in which there are a lot of elderly people who may not be able to bear the burden of property taxes, or they have property tax exemptions because of their age, and let's say they have 30 percent of their kids getting free and reduced-priced school lunches but their bonded indebtedness is only 15 percent. You are going to go out to that district with a heavily weighted population that is elderly, maybe rural, and you are going to say you have to raise your property taxes before you can qualify?

How unfair is that, I ask you. Again, what kind of paperwork, what kind of State requirements are going to have to be set up to do that?

So, again, I don't know what the Senator is trying to get at, but if he is trying to target it, it is not doing it. There is no way this can be done. The paperwork and the burden on the States in accounting for all this would be incredible.

Again, he also says the Federal share of the cost of any project shall not exceed 50 percent. Well, again, why don't you leave that up to the States? In my amendment, I didn't tie the hands of the States and say here is exactly what you have to do. The Enzi amendment basically says: State, here is A, B, C, D—exactly what you have to do—and you can't do anything else. There may be some projects of an emergency nature. We have had them in Iowa, such as meeting fire and safety codes—things that may need to be done right away. Maybe they can't come up with a 50-percent match right away. But the Enzi amendment says, tough luck; you don't get any help.

I understand there is a revolving loan fund also set up—a loan authority for loans to be made. Again, there are all kinds of hoops and paperwork requirements and findings that a State would have to face. The more I look at this amendment, the more I don't want to hear any more arguments from that side of the aisle about how Democrats are trying to tie the hands of States by specifying exactly what has to be done. If you want to learn about specifications, read the Enzi amendment.

It is in here that for revolving loans it says—listen to this: With respect to a fiscal year, any State, to receive assistance on the revolving fund loan in this part of the bill, has to have four-tenths of a percent—in other words, they have to have less than four-tenths of a percent of the total amount available in the United States for all title I.

So for a State to qualify for this revolving loan fund, that State has to get less than four-tenths of a percent of the entire amount in the United States. So I ask, why was it four-tenths? Why wasn't it five-tenths? Why wasn't it three-tenths? Why wasn't it 5.5? Why was four-tenths a magic number? I would like to know the answer to that question. I don't know why.

Mr. KENNEDY. Will the Senator yield?

Mr. HARKIN. Yes, I will.

Mr. KENNEDY. We have only had this amendment for a brief period of time. However, in reviewing this amendment, I have noticed that on page 13 it refers to the set-aside of Federal funds. This is the only reference in the amendment to the authorization of funds. If the Senator has a copy——

Mr. HARKIN. I don't seem to have page 13 for some reason.

I have it now.

Mr. KENNEDY. It says ''set-aside of Federal funds.''

It reads:

> IN GENERAL—Notwithstanding any other provisions of law. . .there shall be made available to carry out this section for each fiscal year, an amount equal to 20 percent of the total amount of Federal funds appropriated for such fiscal year for Federal programs to provide assistance for school construction, renovation, or repair.

The Harkin amendment, of course, expires this year. As such, the only funds that I am aware of will be the DOD and the BIA funds and impact aid.

Mr. HARKIN. Impact aid, yes.

Mr. KENNEDY. For school construction. We are talking about an amount that is less than $100 million. And here we have a proposal to authorize 20 percent of that amount. That totals approximately $20 million. Do we understand that? I respect my colleague from Wyoming, and he knows he is my friend, but it is a hoax to suggest that this is a program to help local schools. We are only talking about $20 million; $10 million for grants, and $10 million for loans. This is the amount that would be available under the restrictions that the Senator from Wyoming has outlined. We are calling this a construction program.

I ask my colleague and friend, does he believe that when Senators vote for the Enzi amendment, they will be able to claim that their vote is a vote for school construction? They will have voted against the Harkin amendment that helps local communities in the neediest areas of the nation, both rural and urban, repair and renovate crumbling schools. Instead, they will say, ''oh, no, we prefer the Enzi amendment that provides $20 million—$10 million in grants, and $10 million in loans.''

I ask the Senator from Iowa whether he reads this amendment the same way?

Mr. HARKIN. The Senator is correct. In fact, I will add one thing to that. What the Enzi amendment does this year is it takes away the $1.2 billion going out to States. That has already been appropriated. He wipes that out. Then on the revolving loan fund the Senator talked about, he says ''shall be made available to carry out this section for each fiscal year amounting to 20 percent of the total amount of the Federal budget.''

What all that means is that after this year we impact the money for impact aid and Indian schools. They are going to take 20 percent of that money and put it in the revolving loan fund. So here the Senator from Wyoming purports in his amendment that he wants to help Indian schools and he wants to help impact aid, but in the second part of the amendment he takes money out of those programs to put it into a revolving loan fund.

Mr. KENNEDY. I don't know whether the Senator from Wyoming can tell us whether we have interpreted the amendment correctly. I invite him to correct us if we are incorrect. As I understand it, this amendment would equal only 20 percent of the total amount of funds that will be appropriated for such fiscal year. We anticipate that next year, outside of the Bureau of Indian Affairs, impact aid and military schools, that such an amount is less than a million dollars. And this amendment proposes 20 percent of that amount for school construction. Am I correct, I inquire of the Senator?

Mr. ENZI. Mr. President, answering on their time, of course, as I have said throughout this whole process on the authorization bill, this is an authorizing process, and we have an appropriations process that comes up later. The amount of dollars allocated would

be allocated as part of the appropriations process. There is money that can be done on this.

We are getting into a brand new program. This isn't something that has been a continuing program. We are getting into something new. Since it is new, I was hoping we would handle that through the appropriations process. Whatever money is allocated in the process, 20 percent would go to that.

Mr. KENNEDY. I agree with the Senator that the appropriations process will determine the amount we will have for resources. If it is not authorizing, a point of order is made.

As I understand it, this amendment authorizes 20 percent of existing Federal funds. The only construction funds of which I am aware are funds made available through BIA, impact aid, and defense. If we are referring to 20 percent of those funds—that is what it says in here—equal to 20 percent, then 20 percent is the authorization level. That amount equals $20 million. That is the authorization. I understand further that half of that goes to loans and grants.

I withhold further comment. I think this is a pale, pale substitute for the Harkin amendment. At an appropriate time after the Senator from Iowa makes a comment about it, I would like to have 4 or 5 minutes to add my support for the Harkin amendment.

Mr. HARKIN. I thank the Senator. I still have the floor. I ask my friend from Wyoming, I just heard the Senator say this is the authorization process and he did not want to interfere with the appropriations process.

Again I ask the Senator, does not your amendment wipe out the appropriations we made last year? Does it not invade the appropriations process? We appropriated this money last year. If I am not mistaken, the Senator's amendment wipes that out. The Senator just said this was authorization, not appropriations, but if you read the amendment, it wipes out our appropriations.

Am I reading it wrong? I yield to the Senator for a response. It says ''notwithstanding any other provision of law.'' I ask the Senator, does not this invade the $1.2 billion we already appropriated? I will be glad to yield to the Senator.

Mr. ENZI. Mr. President, if I can use their time, under this bill, the $1.2 billion that was appropriated last year would come under the formula for this, which would become the current school foundation construction program. So, yes, the $1.2 billion the Senator from Iowa is talking about would be included in this particular amendment.

Mr. HARKIN. I appreciate the forthrightness of my friend from Wyoming. That is exactly what I have been saying. That is the way it is written. The $1.2 billion that will be going out to the States this summer will not be going out.

Mr. KENNEDY. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. KENNEDY. It is my understanding that school districts all across this country that have relied on these funds, and have planned accordingly under the assumption that they would receive these funds, but will now not receive such funds. Is the Senator from Wyoming saying these funds will be snatched back from local communities all over the Nation that have budgeted for it, that have received assurances of it? Is the Senator proposing to grab that money back to re-allocate its sum through a new formula?

Is the Senator prepared to tell every school district planning to receive these funds in the next few weeks that their planning is for nought? Is that the purpose of the Senator's amendment? Because it seems that this would be the effect.

Mr. ENZI. Mr. President——

Mr. KENNEDY. I think Senator HARKIN has the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield to the Senator from Wyoming for a response. I will be glad to yield.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. The purpose of this amendment is to place some constraints on Federal school construction so we are not opening up a brand new program that will fund any school that needs to be constructed or renovated in this country without any requirements. That is why the provision is included, for the 90-percent bonding capacity in a district to make sure the local district is participating to the level it can.

My colleagues will find that there are school districts across this country that are already perhaps at 200-percent bonding. They are doing a maximum effort. Ninety percent would be considered a maximum effort. It requires a match by the State. The other amendment does not require any participation by the State. There is some wording in there about supplanting some State funds, but it does not have any requirements.

The purpose of this amendment is to show there needs to be some constraint on how fast the Federal Government gets into a school funding program. We are not there yet. We are on our way there, and there needs to be some local recognition that they need to have some participation and States need to be a part of it. We cannot wipe out that obligation under a new program.

Mr. HARKIN. Again, I thank the Senator for his forthrightness. His answer is correct because that is what the Senator is doing.

I point out to the Senator that the American Society of Civil Engineers has said that we need about $121 billion just to repair and modernize the schools we have right now. We will need $187 billion over the next 10 years. This is a $1.6 billion authorization. We do not know how much we can appropriate. We appropriated $1.2 billion last year. I do not know how much we can appropriate this next year.

Certainly, we are not rushing headlong into repairing and modernizing schools at $1.2 billion. With the Senator's amendment, it is less than a snail's pace. We might get there in about 200 years. We cannot wait that long.

Let us be clear about the Enzi amendment. There are some fatal flaws there. No. 1, the Enzi amendment takes away money already going out to the States, make no mistake about it. If Senators want to vote to take money away from State school construction—I have the list right here. My colleagues can look at it. This is what their States are going to receive this year, and the Enzi amendment takes it away.

No. 2, the Senator is right; in my amendment, I do not handcuff the States. He is right. I do not prescribe every jot and tittle of exactly what they have to do. I trust them. We gave broad outlines. We said put this out under competitive grants to go to the lowest income, poorest districts that need the help the most. Then we reserve some funds for the highest poverty districts. That is it. We trust the States to make that decision.

We had $28 million in my State of Iowa. The State department of education put it out for competitive grants. I have not heard one complaint, not one because the State believes it went through a very fair process and the neediest school districts got that money.

No. 3, the Enzi amendment shifts money from education to the Department of Defense. Why would we want to do that?

No. 4, the paperwork burden on local school districts, I submit, under the Enzi amendment will be more than anything they have ever filled out for title I or for anything else. How are you going to determine that 50 percent of your kids are below the poverty level? There is no census data, and yet you have to do that before you qualify.

Next, it shifts the power from States and local governments to the Federal Government. I know the Senator does not intend to do that, but that is what really happens in this amendment. If you read the revolving loan fund part of the Senator's amendment, it takes money out of Indian schools in the future and puts it into the revolving fund. We do not need to be taking any more money out of Indian schools.

I sum up by saying the Enzi amendment guts our commitment to school modernization which we made last year. If my colleagues vote for it, they are voting to strip education funds from their States. I will leave this list up during the vote and Senators can check how much money is going out to their States.

There are poor school districts in every one of these States that need that money this year for fire and safety code violations. They need it this year.

If you do not trust the States, if you can say, well, if we give money to the States, they will give it to the richest school districts, I do not think that is going to happen. I tend to trust the State departments of education.

Under our guidelines, we say it has to go to the poorest schools and put out in competitive grants. Make no mistake about it; if any one of my colleagues votes for the Enzi amendment, they are voting to strip this money.

With those fatal flaws, and with the fact we made an agreement last year—it was a bipartisan agreement; it was bicameral; it was hammered out with the White House; and we reached an agreement on how to do it and the money is going to be going out—I do not think we ought to stop that money from going out. It is $1.2 billion. We are not rushing headlong into something.

I bet my colleagues will see, when this money goes out to the States this year, they are going to have a lot of support from their States, thanking you for helping fix up the poorest schools they have.

I hope the Enzi amendment is not approved because we made this agreement last year, and we ought to stick by it for this year.

In closing I want to share some comments from the officials with the Keokuk, IA, school district. This district has received two $100,000 grants to remedy fire code violations.

The funds are being used to install fire alarms, replace doors with new fire-rated doors and make other repairs at an elementary school and at the high school so they meet fire and safety codes. The renovations are planned for this summer and next year.

In a letter from Board President Dr. Wilson Davis, Jr., Superintendent Jane Babcock and Business Manager Kate Baldwin wrote; ''Completion of these building renovations will bring both of these student attendance centers into full compliance with all fire-safety codes. The availability of these funds have made this district goal a reality.''

Without the modest Federal investment, students in these two schools would continue to attend classes in buildings that do not meet State and local fire codes. Permitting such situations to continue is simply unacceptable.

The schools in Keokuk are safer today because of a modest Federal investment. Our amendment will make it possible to make many more schools across the country safer for our children. So if you want safe schools for our kids, if you want them to attend modern, well-equipped schools, if you want schools that meet fire and safety codes, you should support this commonsense amendment.

I ask unanimous consent to print in the RECORD letters of support.

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

KEOKUK COMMUNITY SCHOOL DISTRICT,
Keokuk, IA, April 10, 2001.

Senator TOM HARKIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: The Koekuk Community School District is very excited to be selected to receive a federal grant of $100,000 for Fire (Life) Safety facility building renovations. Responding to specific neds as outlined on our annual building safety inspections, the district is focusing the funds to provide necessary egress compliance in eight classrooms and replacing interior and exterior doors with new, fire-rated doors. The necessary building renovations will be during the summer of 2001 at one of our elementary sites and during 2002 at our high school site. Completion of these building renovations will bring both of these student attendance centers into full compliance with all fire-safety codes. The availability of these funds have made this district goal a reality.

This is the second year Keokuk Schools has received a $100,000 Fire (Life) Safety grant. Funds awarded last year were targeted at installing a new fire alarm system in our high school building. The district began installation during July 2000 and will have this project completed in June 2001.

The citizens of Keokuk are proud of our school. We sincerely appreciate the efforts you have made to provide additional funding to help meet the increasing costs of maintaining school facilities. Thank you for working for the students, parents, and citizens of Iowa.

Very truly yours,

WILSON DAVIS, Jr., MD.
President Board of Directors.
JANE BABCOCK,
Superintendent.
KATE BALDWIN,
Business Manager.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 14, 2001.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Education Association's (NEA) 2.6 million members, we urge your support for an amendment to be offered this week by Senator HARKIN (D-IA) to the Better Education for Students and Teachers (BEST) Act (S. 1) that would restore the critical school repair program. Votes associated with this issue may be included in the NEA Legislative Report Card for the 107th Congress.

Too 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. Yet, many high-need schools and communities simply cannot meet the costs of these urgent repairs absent federal assistance.

Last year, Congress agreed on a bipartisan basis to provide grants for urgent repairs in high-need schools. In FY 2001, this important program will help repair some 3,500 schools across the country. The Harkin amendment would help ensure every student a safe learning environment by continuing this critical grant program.

We urge your support for the Harkin school repair program.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

REBUILD AMERICA'S SCHOOLS COALITION,
Washington, DC, May 14, 2001.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: The Rebuild America's School Coalition supports your amendment to S. 1, the Better Education for Students and Teachers (BEST) Act, to restore the emergency school repair program.

The need for school repairs exists in all communities across the county. According to the American Society of Civil Engineers recently released annual report card on America's infrastructure, the condition of our nation's public schools received the lowest rating.

Our coalition supported your bipartisan efforts in the last Congress to establish a new program to help schools make emergency school repairs. The emergency school repair program will provide $1.3 billion to states and school districts through competitive grants to make emergency school repairs and to fund IDEA and technology renovations. Your amendment will reauthorize this critically needed program for emergency school repairs.

Rebuild America's Schools is fighting for these and other programs in this Congress. Rebuild America's Schools is working with Congresswoman Nancy Johnson (R–CT) and Congressman Charles Rangel (D–NY) and other Members of Congress to pass the ''America's Better Classrooms Act.'' With a federal investment of $5 billion, this bill generates $25 billion in bonds to help school districts finance programs to build new schools and to modernize existing schools.

Communities struggling to find the resources to provide our nation's school children with safe and modern schools ask how can Congress consider more than $1 trillion in tax cuts without investing in safe school buildings.

Coalition members appreciate the leadership you have provided for this critical issue. We urge your colleagues to support your amendment for the school repair program.

Sincerely yours,

ROBERT P. CANAVAN.

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, DC, May 14, 2001.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: The Council of the Great City Schools, a coalition representing over fifty of the largest urban public school systems in the country, appreciates your work to improve our nation's school infrastructure, and to highlight school modernization as a Senate priority during reauthorization of ESEA. We support authorization of the School Renovation Program, and will work with you to ensure that the Harkin School Renovation Amendment is included in S. 1, the Better Education for Students and Teachers (BEST) Act.

Last year, a bipartisan Congress agreed that the federal government must not ignore the physical deterioration of our nation's school buildings, and appropriated $1.2 billion for emergency repair and renovation for FY 2001. The School Renovation Program provides these funds to States to assist school districts with infrastructure needs, and represented the most significant federal assistance for school construction in over a decade.

By authorizing a $1.6 billion School Renovation program in ESEA, your amendment will help to reverse school infrastructure deterioration in urban schools, where the country's oldest buildings have long suffered from

overcrowding, as well as scarce funds for maintenance and repair. The School Renovation Program will also help crumbling schools nationwide, which received a grade of ''D'' from the American Society of Civil Engineers in 2001, citing a 75% inadequacy level in facilities across the country.

The Council of the Great City Schools appreciates your work to end the physical deterioration of our nation's schools. Preserving the bipartisan School Renovation Program is a decision that would help school districts continue to address the emergency repairs and renovation needs of aging and overcrowded schools. The Harkin Amendment assists districts with the support they need to improve the learning environment for all students, and has the full support of the Council of the Great City Schools.

Sincerely,

MICHAEL D. CASSERLY,
Executive Director.

BOARD OF EDUCATION OF THE
CITY OF NEW YORK,
Washington, DC, May 13, 2001.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of Chancellor Harold O. Levy and the New York City Public Schools system, I write to thank you for your commitment to improving our nation's school infrastructure. The Chancellor is very supportive of your current efforts to authorize the School Renovation Program as part of S. 1, the Better Education for Students and Teachers (BEST) Act.

As you know, the BEST Act repeals current Title XII of ESEA, the School Facilities Infrastructure Improvements Act. This step takes us backwards from last year's bipartisan agreement that provided funds for the School Renovation Program as part of PL 106–544, the Omnibus Consolidated Appropriations Act of 2000. Thanks to your leadership, this legislation provided approximately $1.2 billion to help communities make emergency school repairs and renovations. This urgently needed initiative will help local schools fix leaky roofs, correct faulty plumbing, heating, and electrical systems, and address other dangerous health and safety concerns in our schools, such as the presence of lead paint and asbestos in the classroom. It provided a solid framework for targeting limited federal resources to those districts most in need of assistance, as it reserves funds for high need school districts based on concentrations of poverty, fiscal capacity, safety, and condition of buildings. The agreement also reflected a reasonable and fair balance between competing priorities as it allows a portion of these funds to be used by states and localities for special education and technology upgrades related to school renovation.

Most importantly, last year's budget agreement recognized that New York City and other school systems around the nation cannot do it alone. Even though the City recently adopted a five-year, $7.1 billion capital plan for our schools—the largest school construction plan in the City's history—it is not sufficient to meet the needs of the system, which are conservatively estimated at $15 billion. Clearly,the infrastructure needs of public schools have outpaced the ability of local governments to meet these demands by themselves. The need for school repair and modernization funds has reached critical proportions and necessitates partnerships among local, state and federal governments.

ESEA reauthorization presents an excellent opportunity to enhance current law in this area. Specifically, New York City supports your amendment, authorizing $1.6 billion annually for grants and loans to high poverty school districts for emergency school repairs and renovations. It would also provide funds to enhance special education services, and upgrade technology infrastructure.

Thank you for your consideration of Chancellor Levy's views on this important matter.

Sincerely,

KRISTOR W. COWAN,
Director, NYCBOE
Washington Office.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I rise in support of the Harkin amendment on school construction, renovation, and repair. I am concerned by what I have heard from Senator HARKIN as to his analysis of the——

The PRESIDING OFFICER. The Senator should be advised the Democratic time has just expired.

Mr. HARKIN. Mr. President, I ask unanimous consent that we be given an additional 5 minutes to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is granted 5 minutes.

Mrs. CLINTON. I thank the Chair. I thank my distinguished colleagues from Wyoming and Iowa.

I am concerned, as Senator HARKIN has pointed out, that dollars that are already committed to construction projects, to State planning for school repair and renovation, under the second-degree amendment, will be diverted to other worthy causes. I happen to agree with the Senator from Wyoming that the dollars we need as the Federal Government to spend to upgrade, repair, and construct BIA schools and DOD schools and Impact Aid schools is an obligation we should step up to and fulfill. But I do not think we should be robbing Peter to pay Paul, when we have so many schools that are in need of the kind of assistance that can be provided with Senator HARKIN's amendment.

What I hope is that as we debate the second-degree amendment, we look for ways to deal with the very real problem that the Senator from Wyoming has pointed out without upsetting and undermining the commitments that have already been made. These are commitments for this $1.2 billion that my State of New York is counting on, that the cities in my State are counting on. As the chart that Senator HARKIN has shown points out clearly, we have plans for that money. About $105 million of it has been allocated to New York. We have a backlog of many hundreds of millions of dollars more of repair and renovation.

I hope that the Senator from Wyoming's amendment as currently written will not pass, but that we take the good ideas the Senator from Wyoming has brought to the floor with respect to the BIA schools and other schools that are particularly part of the Federal responsibility and look for additional ways to provide the funds they need.

Let me also reiterate something I have said on this floor before, and then I will yield for final comments to our Democratic leader on this issue, Senator HARKIN. This bill does not remove State or local responsibility for school construction, repair, and renovation. What it does is provide necessary funds where we as a nation have gotten so far behind in providing decent facilities for our teachers and students. It is a partnership. I thought the whole idea behind this reauthorization was that we were going to have a partnership. The Federal Government was going to step in with the funds it provides and assist the States and localities in providing the best possible education for our children; that we were going to marry accountability and resources. I do not think the $105 million currently in line to come to New York to help us with our backlog of construction, repair, and renovation is in any way an interference with State or local control over education. It is a recognition that we as a nation have fallen woefully behind.

I am reminded of how many of the schools that children in New York attend—some were built 100 years ago, many were built 50 or 60 years ago. We have not invested in our children to provide the kind of resources they need.

I stood on the floor and told true stories about what happens in some of our schools. The Senator from Iowa may have heard me talk about a teacher standing in a classroom in Mechanicville, NY, who had a piece of concrete fall on her head. I showed pictures of classrooms that were so overcrowded there was literally no place for the children to sit.

We have schools where we have 100 different languages being spoken, where we are in hallways and bathrooms, where we have not a single square foot of space left and where the condition of what is there is deteriorating.

This bill that Senator HARKIN is promoting, to me, is the right kind of partnership. We are not interfering. We are not forcing any money on anybody. This is a voluntary program. It adds to, it does not take away from, the resources our States and localities are using. But it recognizes the fact that States that have made a commitment to using these dollars would, under Senator ENZI's amendment, lose money.

New York will lose at least $22 million off the top because 20 percent of the funds would first be diverted to smaller states, but in all likelihood New York would never see any of the $105 million already set aside for Emergency School Renovation and Repair. We have a million children in the New York City school district. We have the oldest school buildings in America in Buffalo, NY. We want to do the best job we can for our children, as every other State represented here does. All we need is a little bit of help. I urge we vote for Senator HARKIN's amendment.

Mr. CAMPBELL. Mr. President, first I would like to thank Senator ENZI for

offering an amendment to S.1 concerning the existing obligations the Federal Government has to Bureau of Indian Affairs', DOD and Impact aid school systems. Through numerous treaties, statutes, and court decisions, the Federal Government has assumed a trust responsibility to provide a quality education to Indian children.

This duty includes providing school facilities that have such basic amenities as 4 walls, heat and healthy air to breathe. Adequate facilities and such essential necessities are not being provided to many Indian children attending Bureau of Indian Affairs, BIA, funded schools.

Unlike communities that have a tax base to fund school construction, military reservations and Indian reservations are dependent on Federal resources. Nearly 4,500 facilities serve the Bureau's education program, consisting of over 20 million square feet of space, including dormitories, employee housing, and other buildings providing education opportunities to more than 50,000 students. These facilities serve more than 330 Federally recognized Indian tribes located in 23 States through Self-Determination contracts, compacts and education grants.

We are not dealing here with ''the unknown.'' The GAO and other entities have produced countless studies and surveys showing us that half of the school facilities in the inventory have exceeded their useful lives of 30 years, and more than 20 percent are over 50 years old. Numerous deficiencies in the areas of health, safety, access for disabled students, classroom size, ability to integrate computer and telecommunications technology, and administrative space have been reported by the Bureau.

As a former teacher myself, I am appalled when I visit reservations and see first hand the many schools with leaking roofs, peeling paint, overcrowded classrooms, and inadequate heating and cooling systems. The studies have shown that such deficiencies have adverse effects on student learning. By not providing secure educational facilities, we are paralyzing these children and putting them at a disadvantage that they may never overcome.

The Federal Government has responded to the problem in piecemeal fashion, often using temporary solutions instead of working on a permanent plan of action. For instance, in fiscal year 2001 President Clinton's budget requested $2 million for ''portables'' or trailer classrooms that have been used since 1993. To date, the BIA has purchased 472 portables and 20 percent of the BIA's total education buildings are now portable classrooms. The request states these trailers are needed due to overcrowding and unhealthy and unsafe buildings. It states that portables are used to replace buildings or parts of buildings that have ''poor air quality'' that result in what the BIA calls ''sick building syndrome.''

New funds for Indian school construction is one of the major focuses of the President Bush's fiscal year 2002 budget request with $292.5 million slated for such purposes. Of the overall education construction budget, $127.8 million has been requested for the construction of six schools: Wingate Elementary, NM; Polacca Day School, AZ; Holbrook Dormitory, AZ; Santa Fe Indian School, NM; Ojibwa Indian School, ND; and Paschal Sherman School, WA.

As of January 2001, the repair and rehabilitation, and renovation backlog for Indian education facilities and quarters stood at $1.1 billion and is even greater today.

I understand the underlying notion of the Harkin amendment, but I think this body should affirm our existing obligations to this Nation's DOD, Indian, and Impact Aid schools before we undertake even greater obligations.

Ms. SNOWE. Mr. President, I rise today in support of the Enzi/Snowe school construction amendment. I want to thank my colleague from Wyoming, Senator ENZI for working with me to provide some much federal assistance to states to address serious school construction need. And I appreciate his interest in including a part of my bill, the ''Building, Renovating, Improving, and Constructing Kids' Schools, BRICKS, Act'' in this amendment.

The amendment before us would provide funding for Impact Aid schools, provide a direct grant to states to provide for the construction needs of their poorest schools and creates a revolving loan fund for school construction.

The condition of many of our Nation's existing public schools is abysmal even as the need for additional schools and classroom space grows. Specifically, according to reports issued by the General Accounting Office, GAO, in 1995 and 1996, fully one-third of all public schools needing extensive repair or replacement.

As further evidence of this problem, an issue brief prepared by the National Center for Education Statistics, NCES, in 1999 stated that the average public school in America is 42 years old, with school buildings beginning rapid deterioration after 40 years. In addition, the NCES brief found that 29 percent of all public schools are in the ''oldest condition,'' which means that they were built prior to 1970 and have either never been renovated or were renovated prior to 1980.

Not only are our nation's schools in need of repair and renovation, but there is a growing demand for additional schools and classrooms due to an ongoing surge in student enrollment. Specifically, according to the NCES, at least 2,400 new public schools will need to be built by the year 2003 to accommodate our nation's burgeoning school rolls, which will grow from a record 52.7 million children today to 54.3 million by 2008.

Needless to say, the cost of addressing our nation's need for school renovations and construction is enormous. In fact, according to the General Accounting Office, GAO, it will cost $112 billion just to bring our nation's schools into good overall condition, and a recent report by the NEA identified $322 billion in unmet school modernization needs. Nowhere is this cost better understood than in my home state of Maine, where a 1996 study by the Maine Department of Education and the State Board of Education determined that the cost of addressing the state's school building and construction needs stood at $637 million.

We simply cannot allow our Nation's schools to fall into utter disrepair and obsolescence with children sitting in classrooms that have leaky ceilings or rotting walls. We cannot ignore the need for new schools as the record number of children enrolled in K–12 schools continues to grow.

Accordingly, because the cost of repairing and building these facilities may prove to be more than many state and local governments can bear in a short period of time, I believe the Federal Government can and should assist Maine and other State and local governments in addressing this growing national crisis.

Admittedly, not all members support strong Federal intervention in what has been historically a state and local responsibility. In fact, many argue with merit that the best form of federal assistance for school construction or other local educational needs would be for the federal government to fulfill its commitment to fund 40 percent of the cost of special education. This long-standing commitment was made when the Individuals with Disabilities Education, IDEA, Act was signed into law more than 20 years ago, but the Federal Government has fallen woefully short in upholding its end of the bargain, only recently increasing its share above 10 percent.

Needless to say, I strongly agree with those who argue that the Federal Government's failure to fulfill this mandate represents nothing less than a raid on the pocketbook of every state and local government. That is why I am a cosponsor of legislation introduced by Senators HAGEL and JEFFORDS to fully fund IDEA, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future.

Yet, even as we work to fulfill this long-standing commitment and thereby free-up local resources to address local needs, I believe the Federal Government can and should provide some assistance to state and local governments in addressing their school construction needs without infringing on local control.

And that is why our amendment is narrowly drawn. First, our legislation will ensure that we meet the federal commitment to Impact Aid schools, which provide education to communities serving our military families and those where the Federal Government

owns a substantial share of the property, thereby depriving the community of local revenue. The amendment also provides a direct grant to states to assist in building or rehabilitating the lowest income schools.

In addition, there is a provision based on my school construction bill, BRICKS, that would set aside 20 percent of the Federal money appropriated for school construction for a Federal revolving loan fund for states that meet the Title I small State minimum allocation. These 14 States, which receive a de minimus amount of money under the Title I program, would be eligible for funding that could be used to fund their state revolving loan funds, pay interest owed on construction bonds and for other state authorized school construction activities.

Of importance, these loan monies, which will be distributed on an annual basis using the Title I distribution formula, will become available to each state at the request of a Governor. While the Federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans.

And to encourage the Federal Government to meet its funding commitment for IDEA, and to compensate states for the fact that every dollar in foregone IDEA funding is a dollar less that they have for school construction or other local needs, our amendment would impose no interest on BRICKS loans during the first five years provided the 40 percent funding commitment is not met.

Thereafter, the interest rate is pegged to the federal share of IDEA: zero in any year that the federal government fails to fund at least 20 percent of the cost of IDEA; 2.5 percent, the long-term projected inflation rate, in years that the Federal share falls between 20 and 30 percent; 3.5 percent in years the Federal share is 30 to 40 percent; and 4.5 percent in years the full 40 percent share is achieved.

Combined, these provisions will minimize the cost of these loans to the states, and maximize the utilization of these loans for school construction, renovation, and repair.

This afternoon the choice we have on school construction is philosophical. We can provide assistance to states to address the needs of their poorest schools, which is what the Enzi/Snowe amendment does. My colleague Senator HARKIN's approach seeks to provide a piece of the proverbial pie to all schools. But the size of the problem and the piece of the pie, I think they would be so thinly cut that a mere mouthful would be all that was offered. Better to consolidate our efforts on the very neediest so that the Federal assistance will make a difference.

By providing assistance to states to address their most pressing school construction needs, I believe our amendment provides important assistance to help address a national problem. Our children need a safe, clean and healthy environment in which to learn.

I urge that my colleagues support the Enzi/Snowe amendment legislation that will make a tangible difference in the condition of America's schools without turning it into a partisan or ideological battle that is better suited to sound bites than actual solutions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. VOINOVICH. Mr. President, I rise today to make it very clear to my colleagues that I do not oppose constructing new schools. In fact, I firmly believe that more schools should be built, replaced, repaired, and renovated in the United States of America. I suspect there are few people in this country who have done as much as I have to make that happen.

Earlier this month, I was in Cleveland, OH, to campaign for a $380 million local school construction bond and levy initiative. That money would be used to leverage $500 million from the State of Ohio.

Last week, the voters of Cleveland passed that bond and levy by a margin of 3 to 2. They voted to tax themselves in order to help build, replace, and repair over 100 schools throughout the Cleveland School District.

The citizens of Cleveland know that school construction is a State and local responsibility.

But I am concerned about the Federal Government telling State and local officials they have to spend Federal resources on school construction instead of spending it on education priorities they have determined. Localities should have the freedom to invest their dollars in the greatest needs, whether it is teachers, computers, or textbooks, and not be locked in.

We also need to consider the fairness factor. Many of our States have committed themselves in a very major way to school construction programs. I am concerned that as the Federal Government becomes more involved in school construction, the less inclined the States will be to invest their own funds in school construction. There will be an incredible temptation for States to simply sit back and let the Federal Government take care of things. That is something we see too much of in this body.

All we would be doing in passing the Harkin amendment or any amendment is giving those States that refuse to step up to the plate and provide for their schoolchildren, a free pass from meeting their obligations. In my State, we have stepped up to the plate. Under Ohio's Classroom Facilities Assistance Program we have appropriated more than $2.7 billion to repair and rebuild our schools. By the end of this month, 23 schools will have been built or renovated by our program, and by the end of the year, 50 schools will be completed by the program.

For example, in Canton, OH, the State is paying $129 million out of a $176 million schools project. In the Springfield City schools, the State is paying $135 million out of a $165 million project. In Youngstown, the State is picking up $130 million out of $163 million.

In other words, the lower the wealth in the district, the less they have to pay for rebuilding their schools. We are going to get the job done in Ohio.

In fact, a GAO report pointed out that in terms of investing in school construction, our State ranks ninth in the Nation in percentage terms and the eighth greatest in dollar amount.

I think it is important for my colleagues to understand that last year, the National Governors' Association Center for Best Practices looked into the prevalence of State involvement in school construction. Here is what they had to report:

> The Center discovered Governors are focusing more attention on school construction and modernization than ever before.

The report goes on to cite several examples: 11 States subsidize, reimburse, or match local funding for construction projects; 10 States have an established formula for determining the amount of State funding each school district will receive; six States have established a new agency to oversee school construction with the State; five States provide low-interest loans for low-income school districts to help support their school construction efforts; and four States require the Governor and State legislature to approve school construction projects prior to State funding being made available.

The States are getting it done, which prompts me to ask my colleagues on the other side of the aisle, why should the taxpayers of Wyoming, Florida, or New Hampshire have to pay to build schools in Ohio? And, conversely, why should the taxpayers of Ohio, who are meeting their responsibility, pay for those who have not yet done so? What kind of a message are we sending to these people? They have done the right thing, but we are saying: Tough luck, we are going to take your tax money, the tax money we should spend on true Federal responsibilities, and totally ignore them so we can do something that is politically popular. That is just wrong.

Mark my words, once the Federal Government gets involved in providing direct grants to build schools, there will be pressure like you would not believe to ramp-up the funding.

We just heard from the Senator from New York saying they have already committed schools for the money that has been made available to New York State. I tell you this, they are lining up in New York and every other place. They are letting their Governors and their legislatures and their local officials off the hook. The passage of the

amendment of the Senator from Iowa will do more to discourage States from stepping up to the plate and doing what they are supposed to be doing than anything I can think of today.

As chairman of the National Governors' Association, we worked very hard to make a real difference in this area.

I started on this effort back in 1991 when I became Governor of the State of Ohio, and we are getting it done. But there is one more thing we need to remember: When we spend Federal money on things like this, we give up what you could have purchased with the money for other Federal responsibilities. Economists call that concept ''opportunity cost.'' When the Senate thinks about spending money on one thing, we need to recognize we are giving up the ability to use money for other worthy causes. When figuring opportunity costs, we need to remember the fact that we have a number of unmet Federal needs, needs that are a Federal responsibility, and which we should address as part of our full and balanced approach to the Federal budget.

I am going to be talking more about that in this Chamber with my colleagues later on this year. I have asked the General Accounting Office to do a study on unmet infrastructure needs in our Nation—needs that are the responsibility of the Federal Government, not State government, not local government, but the Federal Government.

That GAO study is going to include highways, mass transit, airports, drinking water supply, wastewater treatment, public buildings, and water resources projects.

I believe the GAO's final report will give us a better sense of exactly how formidable our unmet needs really are.

We cannot do everything for everyone. Before we start down the road to spend billions upon billions of dollars, we need to remember that school construction, like the vast majority of education programs, is a responsibility best left to our State and local officials. They are the ones who are on the front lines. They are the ones who know best the needs of their respective communities in their States.

I think it is time for this body to stop acting like a national school board. We are not a national school board. Many States elect their school board members. Many States elect their superintendents. They are the ones who are charged with the responsibility under the Constitution. Under the 10th amendment, that is a responsibility of local and State government.

Let them do the job they are elected to do. And let us allocate our resources in those areas where we do have the Federal responsibility.

Mr. President, I yield the floor.

Mr. HARKIN. Do we have time left? Zero? OK.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, while I am awaiting the arrival of the Senator from Arkansas, I will take a couple more minutes on this amendment.

What we are doing today, through one of the three amendments—or maybe all of the three amendments—is setting up a new school renovation and construction program. The question is, Do you want to just give the money to the States or do you believe there ought to be some constrictions on the money?

Under the amendment I have offered, there is a first priority. That first priority is that the Federal Government shall first meet its existing obligation to fund the construction and renovation needs of Indian schools and federally impacted schools before any other construction needs are addressed. That is an area that we have underfunded in the past. It is an obligation we already have. That obligation stands at $2 billion.

There is a second priority; that is, once we have assured the funding of the Indian schools and the federally impacted schools, which is already a Federal obligation, then we would have two mechanisms for funding schools, both of which would require that they be targeted toward the neediest districts in the States. Those would be determined by the States, but they have to be the neediest schools in the States.

There are two ways of funding that. One of them is Senator SNOWE's ''bricks'' approach, which is a revolving loan fund that is set up to pay the interest on the school bonds that are done to build the schools. The other one is the proposal that I have put forth that targets the 10 percent for the neediest schools and requires that there be a 90-percent effort at the local level.

We keep talking about the local level. There are no provisions for funding to get to the local level for an obligation. A needy area has very little capability to raise money through bonds. States have requirements. Bonding companies have requirements on how much money they will allow a district to bond. Some of those districts have already reached their entire capacity.

As I mentioned before, some have exceeded their capacity. How does that happen? If the value of the property in the district goes down, and they already have existing obligations, then they exceed the capacity they are allowed. There is no penalty for exceeding the capacity. The bonds are not as valuable and they won't sell with any kind of premium. They will probably sell with a discount, but it is a mechanism that is out there for local school districts to provide funding for their schools. And one of the things I have been concerned about through the whole process is how we make sure there is money available for the neediest schools, for those districts that do not have a very high bonding capacity but still to make sure they do some local effort.

There is a tremendous difference in the kind of a school that is built if you get to use somebody else's money as opposed to your own money. So we need to make sure there is still that local obligation involved.

The other part of it is that States have always had an obligation to do this. In fact, the Federal Government, outside the two areas I mentioned, which are the Indian schools and the Federally impacted schools, has not had a role in school construction and renovation. We have made that a requirement of the States.

As a result, in order to make sure there is still some State participation, there is a 50-percent match requirement. I do not think we ought to pass any bill out of this Chamber that does not assure we have the local participation and State participation before we do a brand new Federal spending program that assures we are going to build schools for all of the school districts in the United States.

I can see the cash register ringing up out there as the wish list for new schools goes up. I can tell you that in Wyoming, we have been working under an equalization process so that the rich school districts, those districts that have a higher property valuation, and other resources, help to pay for the schools in poorer areas of the State.

That is always under some court review to make sure that there is some equalization. There is a rating system for the school. There are some requirements on how big of a school, the fact that it has to go to classrooms, that it cannot go to athletic facilities. Athletic facilities have to be provided by outside sources in that district—100 percent by the district. So they have gone through a lot of difficulty to arrive at a formula.

We are talking about launching a new Federal program with no constraints. Once you do it with no constraints, it is pretty hard to go back and say: Whoops, we bit off a bigger chunk than we can ever afford. After everybody in the country is figuring that their school can be replaced by Federal dollars, how do we back off of that kind of a position?

I am suggesting that if we get into this kind of a position at all, we be sure that we nail down some of the requirements. Something that I did not even address is, what size school do you build? If they are going to have 16 students, do you allow them to build for 1,000 students on the possibility that it might be a growth area? No, you cannot do that either. You cannot afford unlimited schools.

I heard someone say that the amendment of the Senator from Iowa does not force money on anybody. That certainly is true; It does not force money on anybody. It passes it out by the bushel basket, with no constraints whatsoever. Can you imagine some school district saying: No, no, we would rather take care of the problem ourselves; don't give us any money? No. What they are all going to say is: You started a program. You said you

would fix schools. It is underfunded. It is not funded.

Whatever you want to say, there will never be enough funds to take care of the kinds of schools that everybody will be able to envision. Architects will be staying up late dreaming of new ways they can build logos for schools, let alone the schools, because there are no constraints in the Harkin bill.

This amendment puts in some modest constraints, constraints that say they have to have 90 percent bonding capacity in their area; they have to be making a local effort. They just have to have the local folks, even though it is not much, participating in their own program. Then the States have to make sure that 50 percent of it comes either from the local districts or the State, in any combination the State chooses, before any Federal dollars kick in.

We have the other solution that provides a revolving fund for States. That would provide the money to cover construction bonds. It is another alternative, another way that we can do the process.

I hope people will look at this amendment as being one that is a logical way to start the process. I ask that my colleagues consider the amendment carefully, and then support the amendment that I have offered.

Another amendment that takes another approach that can have an impact on schools is one that the Senator from Arkansas is proposing. So at this point, I yield the floor, and I yield the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 550

Mr. HUTCHINSON. Mr. President, I thank the Senator from Wyoming for yielding time. I will only take a minute to briefly explain why I ask my colleagues to support the amendment I have offered.

There are, frankly, three amendments that deal with the issue of school construction. I believe Senator HARKIN and Senator ENZI are sincere. They have worked very hard. They understand there is a severe problem out there. In fact, there is one area of agreement that we all have, and that is that there is a serious need in this country for resources for school construction.

There is a different approach. There are three votes. There are three amendments. There is only one that does not create a new Federal program addressing school construction. So while there are merits and demerits to the various approaches, the other two amendments create a new program—both create new programs—for school construction. I believe that is wrong. There is only one amendment that preserves the prerogative of State and local governments to control the school construction issue.

So my amendment offers a helping hand through the Tax Code for local school districts, low-income, poor school districts to better be able to address the school construction needs they have. This is an approach that passed 20–0 out of the Finance Committee and has been supported previously in this body. I believe it is the right approach and expresses our concern about this issue and gives help to the local governing bodies who need the assistance but preserves that very important prerogative of the local school districts to control school construction issues.

So this preserves the whole principle of this bill; that is, local flexibility and local control, and does not take us down the road of a new Federal program involving us in a brand new area of building schools across this country.

So I ask my colleagues to support my amendment. I believe it is consistent with what we are trying to do in this bill with greater flexibility and greater local control.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 649 offered by the Senator from Wyoming.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is ordered.

The question is on agreeing to amendment No. 649. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Missouri (Mrs. CARNAHAN) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Missouri (Mrs. CARNAHAN) would vote ''no.''

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—37

Allard	Craig	Gregg
Baucus	Crapo	Hagel
Bond	DeWine	Hutchison
Burns	Domenici	Inhofe
Campbell	Dorgan	Jeffords
Chafee	Enzi	Lott
Cochran	Frist	Lugar
Collins	Gramm	McCain
Conrad	Grassley	McConnell
Murkowski	Shelby	Thomas
Nickles	Smith (NH)	Thurmond
Santorum	Snowe	
Sessions	Stevens	

NAYS—62

Akaka	Ensign	Mikulski
Allen	Feingold	Miller
Bayh	Feinstein	Murray
Bennett	Fitzgerald	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Harkin	Reed
Boxer	Hatch	Reid
Breaux	Helms	Roberts
Brownback	Hollings	Rockefeller
Bunning	Hutchinson	Sarbanes
Byrd	Inouye	Schumer
Cantwell	Johnson	Smith (OR)
Carper	Kennedy	Specter
Cleland	Kerry	Stabenow
Clinton	Kohl	Thompson
Corzine	Kyl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
Dodd	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NOT VOTING—1

Carnahan

The amendment (No. 649) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. How long did that vote take, Mr. President?

May we have order, Mr. President.

The PRESIDING OFFICER. There will be order in the Senate.

The question is on the Harkin amendment.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Massachusetts asked how long the last vote took. Did he get an answer to his question?

The PRESIDING OFFICER. Thirty-two minutes.

Is there objection to the request?

Mr. BYRD. Mr. President, what is the request?

The PRESIDING OFFICER. That the next vote be a 10-minute vote.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I do not know how serious this request is. I would like to know first. I will reserve an objection. I know the Senator wants to have a 10-minute vote. I know that.

Mr. JEFFORDS. Yes.

Mr. BYRD. I know he is serious.

Mr. JEFFORDS. Right.

Mr. BYRD. But just how much do we mean this in the Chamber? I am not making little of the Senator's request. I would like to see a 10-minute vote.

May I ask this question of the leader. I ask unanimous consent that I may speak for 1 minute on this reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. May I ask the distinguished majority leader a question. There is a request before the Senate to limit this next vote to 10 minutes, and the only way that can happen is if the majority leader steps in at the end of the 10 minutes and closes this vote. Having been the majority leader, I do not think it is unfair for me to ask the majority leader if he intends to enforce this request if it is agreed to, and only the leader can enforce it.

Mr. LOTT. Mr. President, if Senator BYRD will yield, Senator BYRD has made this point before, and I certainly understand how he feels, and others, as a matter of fact, about the need to cut these votes off in a reasonable period of time.

I would be perfectly happy, and I am sure the managers would be happy, to see us limit these to 10 or, I believe, 10 minutes plus 5 minutes over the time, which has been allowed, for a total of 15 minutes. I will be glad to do that.

What happens, of course, is Senator DASCHLE and I will receive a call from a Senator who is on the way. We had last week a mistake where the Senator from West Virginia had not been recorded when, in fact, he had voted, and we, thinking he had not voted said: No, wait until he gets here. We know he wants to be recorded.

We make a mistake by bending over backwards too much trying to accommodate all 100 Senators. But the Senator's point is well taken. Since we are all here and listening attentively, this vote will be cut off in the prescribed time, as was suggested by the Senator from Vermont, if in fact that request is honored.

Mr. BYRD. Mr. President, I remove my reservation.

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that following the sequenced votes and any cleared amendments, the Senate then resume consideration of the Dayton amendment No. 622 and the Voinovich amendment No. 443. I further ask unanimous consent that there then be a total of 30 minutes equally divided for closing remarks with respect to both amendments.

Further, I ask unanimous consent that following that time, the Senate proceed to a vote in relation to amendment No. 622 to be followed by a vote in relation to amendment No. 443, with no amendments in order to the amendments prior to the vote. I ask unanimous consent that there be 2 minutes equally divided prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I inquire of the Senator from Vermont, about what time, then, would the next two votes occur? Would that be roughly in 1 hour—1 hour 10 minutes, excuse me?

Mr. JEFFORDS. The elapsed time would be about an hour.

Mr. KYL. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I regret I was sitting immediately behind the distinguished Senator and I did not understand his request. Would he mind repeating the request.

Mr. JEFFORDS. I ask unanimous consent that following the sequenced votes and any cleared amendments, the Senate then resume consideration of the Dayton amendment No. 622 and the Voinovich amendment No. 443. I further ask consent that there then be a total of 30 minutes equally divided for closing remarks with respect to both amendments.

Further, I ask consent that following that time, the Senate proceed to a vote in relation to amendment No. 622, to be followed by a vote in relation to amendment No. 443, with no amendment being in order to amendments prior to the vote. I ask that there be 2 minutes equally divided prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I would like to speak for 30 minutes on the matter of reconciliation. Is it expected in the morning we will have an opportunity to speak before that bill is taken up?

Mr. LOTT. Mr. President, let me say if the Senator will yield, I would like to have a chance to talk to the managers of the legislation about the possibility of yielding some time tonight or we will work with you to make sure you have time in the morning. We know you want to speak on this matter, and we will work with you to find a time that is agreeable with you to do so, either after these votes or in the morning. If you will allow us to talk to the managers and get with you, we will find a way you can do that.

Mr. BYRD. Mr. President, I do not want to speak to an empty Chamber on the matter of reconciliation. So I would like to speak immediately after the next two votes, which I understand are already scheduled. Am I correct?

Mr. KENNEDY. The Senator is correct.

The PRESIDING OFFICER. There are two votes that are scheduled at this point.

Mr. BYRD. I would like to speak immediately after those votes.

Mr. LOTT. Mr. President, I am not sure; does Senator BYRD still have the floor?

Mr. BYRD. I do not have the floor. I was reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LOTT. If the Senator from Vermont will yield, as we try to get the unanimous consent agreement worked out, I believe we have requests that would allow us to have this sequence and then have two votes in about an hour. I think maybe then there would be a time where Senators will be in the Chamber and perhaps we could do it after the two votes that are supposed to occur in an hour. Would that be agreeable to Senator BYRD?

Mr. BYRD. Mr. President, will the Senator from Vermont yield?

Mr. JEFFORDS. I yield.

Mr. BYRD. As I understand it, two votes are locked in already.

Mr. LOTT. That is correct.

Mr. BYRD. I would like to speak following those two votes.

Mr. LOTT. Mr. President, I know the Senator would like to have an opportunity to speak when there would be the maximum opportunity to have the arguments heard, but I do not think Senators are going to stay after these two stacked votes. We were hoping we could stay on the education issue and get through this agreement that has been worked out, the final two. Then while we are working on the next amendment we thought it would be a good time for Senator BYRD to make his statement.

Mr. BYRD. Mr. President, I object to the request.

Mr. LOTT. Mr. President, I believe we have two votes that are already ordered and we can go to the vote.

The PRESIDING OFFICER. The question is on the amendment.

Mr. BYRD. Mr. President, may we have an explanation of the amendment?

Mr. KENNEDY. We ask for 2 minutes for the proponent, the author of the amendment to be able to address the Senate prior to the vote. I ask for 2 minutes.

The PRESIDING OFFICER. Is there objection to the author of the amendment explaining it for 2 minutes? One minute?

Mr. BYRD. Mr. President, I object. If it is only going to be 1 minute, I object. I want an explanation on this. We will have it or we will have a quorum call and that will take far longer than an explanation would require. I want to know what this amendment is about.

Mr. KENNEDY. Could I renew my request he be given 2 minutes?

That is too short a time?

The PRESIDING OFFICER. Is there an objection?

Mr. BYRD. Let's make that 5 minutes.

Mr. KENNEDY. It is 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Yes. Objection.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Yes.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The assistant legislative clerk continued the call of the roll.

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

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the managers of this legislation and all those who have been involved in continuing to try to move it forward. It is not easy to accommodate the wishes of all Senators in terms of time for final debate before amendments or those who would like to speak on other issues, but we try very hard to accommodate all of those wishes.

We have come up with an agreement that I think will allow us to make progress on the education bill, move to the reconciliation bill, and make progress there. So to put it in layman's language, we have two votes on amendments back to back that are already ordered. What we would do then would be to go to the debate on the next amendments. Those two votes would occur in the morning, beginning at 9 o'clock, preceded by 3 minutes of time before each vote. Then at 9:30 or so, as the votes are completed, we would go to reconciliation, and Senator BYRD would be recognized for up to 30 minutes as the first speaker on reconciliation. So that is how it would work out.

Mr. President, I ask unanimous consent that following the votes that are ordered, and any cleared amendments, the Senate then resume consideration of the Dayton amendment No. 622 and the Voinovich amendment No. 443. I further ask consent that there then be a total of 20 minutes, equally divided, for closing remarks with respect to both amendments. Further, I ask consent that following that time, the Senate proceed to a period of morning business. I ask consent that these votes occur beginning at 9 a.m., with 3 minutes prior to each vote for explanation.

I further ask consent that Senator BYRD be recognized immediately following the two stacked votes for up to 30 minutes immediately following the reporting of the bill by the clerk.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I do not expect to object, but I want to be clear on two things. No. 1, when we have a quorum call here, we should be able to hear the clerk call the names. No. 2, the 30 minutes that are reserved for me to speak——

Mr. REID. Twenty minutes.

Mr. BYRD. No. I did not say 20 minutes.

Mr. LOTT. For Senator BYRD?

Mr. REID. I am talking about the two votes.

Mr. BYRD. I am not talking about the two votes. My 30 minutes I do not want taken out of the 20 hours tomorrow. I wanted to make it today. I wanted to make it today between the votes so that it would not——

Mr. LOTT. If the Senator will yield, I think we could probably spend more time working through this. Let's make that accommodation. We will have two votes in the morning, but Senator BYRD will speak for 30 minutes. Then we will go to the reconciliation bill, which would be at approximately 10 o'clock or 10 after, whatever it would be.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, it is our understanding that the remarks by the Senator from West Virginia would not come out of the reconciliation.

Mr. LOTT. Because of his objection, perhaps others, it would not count against that time. But we are going to have to use about 12 hours or more tomorrow. So I was thinking that since it was relevant to that issue those 30 minutes could count against the 12 or 14 hours we need to use tomorrow. But if there is objection to that, it is more important we get the agreement, hear what he has to say, and get started with the reconciliation bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 525

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment No. 525.

The yeas and nays have not been ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Missouri (Mrs. CARNAHAN) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Missouri (Mrs. CARNAHAN) would vote ''aye.''

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—49

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

NAYS—50

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

NOT VOTING—1

Carnahan

The amendment (No. 525) was rejected.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 550

The PRESIDING OFFICER. The question now is on agreeing to the Hutchinson amendment No. 550. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Missouri (Mrs. CARNAHAN) is absent attending a funeral.

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

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—83

Akaka	Dayton	Kohl
Allard	DeWine	Landrieu
Allen	Dodd	Leahy
Bayh	Domenici	Levin
Bennett	Dorgan	Lieberman
Biden	Edwards	Lincoln
Bingaman	Ensign	Lott
Bond	Enzi	Lugar
Boxer	Feinstein	McConnell
Breaux	Fitzgerald	Miller
Brownback	Frist	Murkowski
Bunning	Graham	Murray
Burns	Gramm	Nelson (FL)
Campbell	Gregg	Nelson (NE)
Cantwell	Hagel	Nickles
Carper	Harkin	Reed
Cleland	Hatch	Reid
Cochran	Helms	Roberts
Collins	Hutchinson	Rockefeller
Corzine	Hutchison	Santorum
Craig	Inhofe	Sarbanes
Crapo	Kennedy	Schumer
Daschle	Kerry	Sessions

Shelby	Stevens	Voinovich
Smith (NH)	Thomas	Warner
Smith (OR)	Thompson	Wellstone
Specter	Thurmond	Wyden
Stabenow	Torricelli	

NAYS—16

Baucus	Feingold	Kyl
Byrd	Grassley	McCain
Chafee	Hollings	Mikulski
Clinton	Inouye	Snowe
Conrad	Jeffords	
Durbin	Johnson	

NOT VOTING—1

Carnahan

The amendment (No. 550) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I advise my friend from Vermont, the manager of this bill, the Senator from California, Mrs. FEINSTEIN, wishes to offer an amendment. She will do that in just a few minutes. She says she will not take more than 5 minutes in presenting the amendment. So I ask unanimous consent the pending amendment be set aside to allow Senator FEINSTEIN to offer her amendment.

Mr. JEFFORDS. No objection. I look forward to learning about it.

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

The Senator from California.

AMENDMENT NO. 369, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 369. I ask unanimous consent to resubmit the amendment with modifications.

The PRESIDING OFFICER. Is there objection to the modifications?

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

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 369, as modified.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To specify the purposes for which funds provided under subpart 1 of part A of title I may be used)

On page 137, between lines 3 and 4, insert the following:

SEC. ___. LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6323) the following:

"SEC. 1120C. LIMITATIONS ON FUNDS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only to provide academic instruction and services directly related to the instruction of students in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State.

''(b) PERMISSIBLE AND PROHIBITED ACTIVITIES.—In this section, the term 'academic instruction'—

''(1) includes—

''(A) the implementation of instructional interventions and corrective actions to improve student achievement;

''(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

''(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

''(D) professional development for instructional personnel;

''(E) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

''(F) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

''(G) the development and administration of curricula, educational materials, and assessments; and

''(H) the transportation of students to assist the students in improving academic achievement; and

''(2) does not include—

''(A) the purchase or lease of privately owned facilities;

''(B) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

''(C) the construction of facilities;

''(D) the acquisition of real property;

''(E) the payment of costs for food and refreshments;

''(F) the payment of travel and attendance costs at conferences or other meetings other than travel and attendance necessary for professional development; or

''(G) the purchase or lease of vehicles.''.

''(3) the chief administrative officer may make exceptions to the prohibitions that are reasonable and necessary to carry out the purposes of the program.''.

Mrs. FEINSTEIN. Mr. President, this amendment directs that Title I funds be used only for academic instruction. It is true that for the most part title I funds are used for academic instruction. It is also true, though, that money often goes for other purposes, and this amendment would clarify the purposes for which Title I funds can be used by school districts.

The amendment states that the funds be used to improve academic achievement, to help students meet State achievement standards. Permitted uses would include corrective actions to improve student achievement, extending academic instruction beyond the normal school day and school year, including summer school, employing teachers and instructional personnel, providing instructional services to pre-kindergarten children to help them transition to kindergarten, purchasing instructional resources, conducting or obtaining professional development, and developing curriculum, for example.

What is explicitly not permitted is the purchasing or leasing of facilities or vehicles with Title I funds, purchasing or providing facilities maintenance, janitorial, gardening, or landscaping services, paying for utilities, constructing facilities, acquiring real properties, buying food or refreshments, or travel to and attendances at conferences except for travel and attendance necessary for professional development.

The purpose of this amendment is to take these critical funds and see that they go where they should go, which is toward the core curriculum and the teaching of and learning by youngsters. I believe the amendment will be accepted.

Current law on Title I is much too vague.

It says,

A State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

Basically, it says that Title I funds are to be used for the ''education of pupils.'' That is just too nebulous.

The U.S. Department of Education has given states a guidance document that explains how Title I funds can be used. Permitted uses are for the following: instructional practices; counseling; mentoring; developing curricula; salaries; employee benefits; renting privately-owned facilities; janitorial services; utilities; mobile vans; training and professional development; equipment; interest on lease purchase agreements; travel and conferences; food and refreshments; insurance for vehicles; and parent involvement activities.

Under this guidance document, only two uses are specifically prohibited: construction or acquisition of real property; and payment to parents to attend a meeting or training session or to reimburse a parent for salary lost due to attendance at ''parental involvement'' meeting.

I believe we should give the Department, states and districts clearer guidance in law. My reason for introducing this amendment is this: Our students are not learning; our schools are failing our children. We must use our limited federal dollars for the fundamental purpose of education: to help students learn.

A January 2001 study by Education Weekly, titled ''Quality Counts 2001: A Better Balance,'' brought more bad news about California's students. Here's what the report found:

In fourth grade reading, 20 percent of students are proficient and 52 percent are below the basic standard.

In eighth grade reading, 22 percent of students are proficient and 36 percent are below the basic standard.

Comparing California to other states, in how well fourth grade students read, California ranks 36 out of 39 states. In eighth grade reading, California ranks 32 out of 36 states.

Nationally, the news is similarly distressing:

U.S. eighth graders are out-performed by their counterparts in math and science from Japan, Korea, Hong Kong and Singapore, Australia, and Canada.

American twelfth graders performed in mathematics better than student in

only two countries, Cyprus and South Africa.

In writing, 75 percent of U.S. school children cannot compose a well-organized, coherent essay, according to the National Assessment for Education Progress in September 1999.

We have to put a stop to this bad news. Fortunately, the bill before us takes some strong steps and with this amendment, it will take even more.

While it is difficult to ascertain how Title I funds are always being used, we do know of a few examples that raise questions in my mind:

In Alabama, according to the Citizens' Commission on Civil Rights, ''dipped into Title 1 to pay the electric bill and for janitorial services.''

While most of Title I's $8 billion appear to be spent on instruction, the Los Angeles Times, in a March 12, 2000 editorial, said, ''About half that amount is wasted on unskilled though well-meaning teacher aides, who are often more babysitter than instructor.''

Title I has been used ''to pay for everything from playground supervisors and field trips to more time for nurses and counselors,'' according to the San Diego Union-Tribune, March 16, 2000.

California school officials have told my staff that Title I has been used for pay for clerical assistants in school administrative offices, payroll staff, truant officers, schoolyard duty personnel, school bus loading assistants, ''curriculum coordinators,'' ''compliance,'' attending conferences, and home visits.

By offering this amendment, I am not suggesting that Title I funds are being wasted across the board.

In fact, an August 2000 report by the Department of Education says, ''Most—77 percent—of Title I funds were used for instructional resources,'' for example, to hire teachers and to provide instructional materials. That is good.

But that report also says, that 12 percent of funds or $835 million in 1998, were used for ''program administration.'' Since this report does not provide more specificity, it is difficult to tell exactly what these funds were used for, but I do think we have to question whether we want $835 million spent on administration of this program.

Another report, a draft by the Citizen Commission on Civil Rights, found that in the Fresco, California, school districts, ''15 percent [of Title I funds remains in the district office.'' It goes on to say that funds are also used for ''supplies, two case workers, Saturday schools, and breakfast and lunch programs for about 800 homeless students.'' This is just one example and while these uses probably most certainly contribute to a child's education, it is my view that Title I cannot do everything.

That is why I am trying to better focus Title I funds on academic instruction, teaching the fundamentals and helping disadvantaged children achieve.

Federal funding is only seven percent of total funding for elementary and secondary education and Title I is even a smaller percentage of total support for public schools. We must get the most that we can educationally for our limited dollars. It is time to better direct Title I funds to the true goal of education: to help students learn. This is one step toward that goals.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JEFFORDS. Mr. President, I have no request for time on the amendment.

I ask unanimous consent the amendment be set aside.

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

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak for 10 minutes each.

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

Mr. JEFFORDS. Mr. President, I make a point of order that there is not a quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask consent to speak in morning business for 15 minutes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 15 minutes.

ENERGY POLICY

Mr. DORGAN. Mr. President, tomorrow I believe Vice President CHENEY will be releasing details of an energy plan he has worked on for some long while. All of us anxiously await release of that plan, so we can begin discussing what kind of an energy policy this country needs.

I think it is the case that with respect to both Republican and Democratic administrations, for many years this country has not had a satisfactory energy plan. We have become more and more reliant on foreign sources of energy. We seem not to have a consistent plan that tracks over a long period of time relating to production and conservation and renewables.

So I think it is quite clear we need a new plan. We need a new strategy, one that works for this country. We have Americans today who discover, when they drive up to the gasoline pumps, that the price of gas has increased dramatically. In some parts of the country, people are now paying over $2 a gallon for gasoline. In other parts of the country, the price of gasoline, they say, will probably move to $3 a gallon at some point. Lord only knows what the new projections will be.

Those who are trying to heat their homes with natural gas, or family farmers who are going into the field with anhydrous ammonia fertilizer, 80 percent of which is natural gas, are discovering the price of natural gas has spiked and skyrocketed. In many parts of the country, the price of natural gas is double what it used to be, and in some cases is much more than that.

If you happen to live in California at the moment, you discover that the price of electricity has dramatically increased. We know that 2 years ago, the price of power in California cost consumers $7 billion. Two years later, it is $70 billion in California, which is nearly a tenfold increase. Those price increases have spread to other parts of the west, as well.

We know that in California the use of natural gas to produce power in electric generating plants, in a deregulated wholesale market, has created, in my judgment, a broken market, one in which unregulated sellers sell into a regulated market in California, and in 24 hours the price of an MCF of natural gas can double, triple, or quadruple—in just a 24-hour period. And all of it is non-transparent. No one can see what the pricing is, who made the money, how much money was made. That is what is happening in California today.

I have been very critical of the Federal Energy Regulatory Commission that is supposed to be regulating some of these activities, but instead has done its best imitation of a potted plant for a couple years. They have essentially done nothing because they apparently view markets as some sort of sacrosanct device which will be fair to all.

In fact, the market in California is broken. The market for power in California does not work. This is a failed experiment in deregulation. Any lesson we should take from this for the rest of the country—and, I would say, for my home State of North Dakota, is: let us not follow this example of deregulation. They call it restructuring. That is just a fancy name of saying deregulation.

In North Dakota, we have been deregulated with airlines, deregulated with railroads, and now they talk about the deregulation of electricity. Every time we have been deregulated, we have been hurt badly. The California experience of deregulation and restructuring ought to send shivers down the backs of the rest of the people in this country who have not yet had this experience.

My point is, we have an energy situation that is in chaos in this country: it is at the gasoline pumps in the eastern part of the country, and all the rest of the country; it is in electricity prices in California; natural gas prices for farmers who are about to go into the field; and for people trying to heat their homes.

What do we do about all that? First, I happen to think we ought to investigate pricing policies. When you have concentration of power in the hands of a few—I would say, in the oil industry, with the kinds of mergers we have had in recent years—we have larger and larger enterprises that have the capability, that have the economic power and the muscle to impose high prices and to manipulate supply. I do not allege they do it in all cases. I do allege the possibility exists. And we would do the public and this country some good by shining light on pricing policies in many of these energy streams. I suggest we do that by creating a select committee—a joint House and Senate committee—to investigate energy prices.

Let me be quick to say, there also are other reasons for the spike in some energy prices. When the price of oil went to $10 a barrel, frankly, there was very little incentive for the energy industry to look for oil and natural gas. I understand that. I accept that.

Then the price of oil spiked to $35 a barrel, and we began to see more drilling rigs; more people are looking for oil. We will have more supply coming on line. I accept the fact that there is an imbalance in supply and demand. That is not permanent. That is temporary. I also accept the fact we would be better off as a country not having that kind of roller coaster ride on energy prices.

We would be much better, in my judgment, having a more stable pricing structure that would provide incentives for people to search for coal, oil and natural gas, not just sometimes, but all of the time.

So I accept that as part of the reason for some of the pricing disparities that exist in this country. But I do not accept that that represents the entire answer for what is happening in this country.

I believe there is evidence of price manipulation and supply manipulation, and I think this Congress, which seems to be willing to investigate almost anything in the last 10 years or so, would do the American public a service by creating a select committee of the House and the Senate to investigate energy prices. If there is nothing there, we will not find anything. If we find something, we will do the American public a service by shining light on it, and finding it, and stopping it, with respect to price manipulation.

Having said all that, let me say that we welcome the submission by Vice President CHENEY tomorrow. It is time—high past the time—that this Congress begin deliberating on a new energy policy.

What should that policy be? In my judgment, that policy needs to have incentives and the kinds of mechanisms that will encourage production. Yes, we need more production; no question about it. We need to find more coal, more oil, and more natural gas. So production is a part of it.

In fact, there is a substantial amount of production opportunity around this country. The are 32 trillion cubic feet of natural gas up in Alaska that we know is there. It is leased. That could be brought down here, if we could only build a pipeline. So in terms of production, we need pipelines. And, we also need facilities to transmit electricity.

There are a whole series of infrastructure issues, in addition to the production incentives, that ought to be in a good, sound energy plan. But let me say, with respect to the news report about energy policy that we are likely to get tomorrow, when they say production is the overwhelming urge in this new energy plan, production is an important part of it, but it is not the only part of it. A balanced energy plan that is good for this country will include production. There is no question about that. But a balanced energy plan will especially also include conservation.

This country needs to be more conservation-minded. We can conserve much more energy than we do, if we have the kind of leadership that we ought to have, and if we have the incentives for conservation that we ought to put in place.

In addition to conservation, we need efficiency. There is no reason that we ought not require more efficiency in appliances and a range of other activities in this country. We know from experience that requiring greater efficiency works, that the manufacturers can develop products to be more efficient and produce these products for our consumers in this country. Efficiency must be a part of a balanced energy plan.

Then, finally, a balanced energy plan must—and I emphasize must—include renewable sources of energy. I know the oil companies have never liked some of them. The oil industry has never liked the production of ethanol. What is ethanol? Taking a kernel of corn, extracting a drop of alcohol from that kernel of corn, and using that alcohol to extend our energy supply makes great sense to me. It is renewable. You can produce that corn over and over again. Once you take the drop of alcohol from the kernel of corn, you have protein feed stock left that you can use to feed animals. What a terrific bargain for this country: Extend your energy supply by using a renewable source of energy and have the protein from the feed stock left for animals.

But the oil companies have never much liked ethanol, and I understand why. Because it is a competitor, albeit a small competitor, but it ought to be a much bigger competitor. We ought to develop renewable resources. Ethanol is one renewable source. Another is biomass; still another is wind power.

It may surprise some to know that the Department of Energy says the wind power capital of the world is North Dakota. We do not have any wind devices in North Dakota to collect this power and distribute it. The new wind energy turbines are very efficient. They are wonderful devices that can take the wind and create from that wind, and from the spinning of the propeller into a turbine, electricity.

North Dakota, they say, is the ''Saudi Arabia'' of wind. Some listening to me from time to time on the floor of the Senate might understand I contribute to that. But if North Dakota is the ''Saudi Arabia'' of wind—and the Department of Energy says it is—then we ought to, not just in North Dakota, but around the country, use this new wind energy, which itself is renewable.

We have a substantial amount of new wind energy activity in Iowa, in Minnesota, and, of course, there has been a substantial amount in California. But the new turbines for wind energy are highly efficient. We owe it to this country to use these new renewable sources of energy to extend our country's energy supply.

So the point I am trying to make tonight is this: If we get an energy policy from the administration tomorrow that says, look, this is a simple solution, all we have to do is go find more oil and natural gas, and maybe crank up another nuclear plant or two, I say that is an answer that would have come 20 years ago or 40 years ago or 60 years ago. We need to do a lot of things, and a lot of things well, in order to resolve this country's energy problems.

Let me just digress for a moment to say, one of the interesting things about this country, and about energy, is this: Almost everything in the world has changed in the last century—almost everything. You name an area, and you will find a significant change—except, we still use gasoline in automobile engines.

I was a very young boy when I got my first car. My father actually found it in an elevator out on an abandoned farm. He knew who owned the abandoned farm, and he said: Why don't you write to him in Milwaukee and see if you can buy this car? I was a young boy.

My dad said: It is a 1924 Model T Ford. You can buy it and restore it. What a great project for a young fellow; and I did.

I wrote to the guy in Milwaukee. He wrote back and said: Gosh, I would love to let you have that car. It's sitting there in this little elevator on the farm that is abandoned. Send me $25.

I sent him $25, and he sent me the owners manual that he saved all those years and the key that he had saved all those years, as well. I pulled the Model T Ford into my father's service station. I worked on it for a year and restored the little old Model T Ford. It was a 1924 antique automobile.

Do you know something? You provided energy for that car—that 1924 car—exactly the same way you provide energy for a car produced in 2001. You stick a gas hose in the tank, and pump a little gas in. Nothing has changed.

Nothing has changed in all of these intervening years. Isn't that interesting? Almost everything else has changed, but we still stick a gas pump in a gas tank of a car—80 years ago, or today, you pump the same gasoline. Quite remarkable.

We can do better in this country. I am not suggesting we wean ourselves off gasoline in a short period of time, but there is a car sitting out in front of this Capitol from time to time, owned by our friend from Utah, Senator BENNETT, that runs on both gasoline and electricity. It is one of the new hybrid cars. I think that is kind of interesting. I would like to see a whole fleet of them in this country. I would like to see that kind of technology. Perhaps this is just the first step toward the fuel cell, and taking the hydrogen out of water and using it as a fuel, as some say will happen with the new fuel cells.

The point is this, we can do a lot of things. This country has the technological capability to do a lot of wonderful things. But here we are, sitting on the edge of this spin in this energy crisis, with the price of natural gas doubling, the price of gasoline $2 at the pump and going north, and the price of electricity in California going through the roof, and blackouts occurring at a time when California is only at about two-thirds of its ultimate power needs for the hot weather.

We have a mess on our hands. In order to get out of this mess, all of us, Republicans and Democrats, need to figure out how we construct a strategy on energy that is balanced—that includes production, conservation, efficiency, and renewables. A good energy policy that has all of those elements, that represents the best of all of the ideas brought to the table in this Chamber, will serve this country well.

Feuding and fussing with an energy strategy, then coming up with the same tired old strategy we have had in the past, just simply street-corner chanting ''production, production, production''—thinking that somehow that will solve this country's problem, is, in my judgment, a road to nowhere.

I am anxious to see, and interested in seeing, what the Vice President has produced. Most of us in this Chamber should be ready and willing to begin working immediately with the Vice President, the administration, and all others, to both construct and demand a balanced energy policy for this country.

The American consumers have long deserved it and have never received it. Americans don't deserve to be held hostage by foreign energy supplies over which we have little control. They don't deserve to be held hostage with respect to electric costs we can't control and, therefore, have rolling blackouts in one of our largest States. They don't deserve to have been held hostage by gas pump prices over which they have no control and very little understanding.

Tomorrow will be an interesting day. I hope it is the first step on a journey to begin constructing between Republicans and Democrats an energy policy that will really serve this country well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS and Mr. WARNER pertaining to the introduction of S. 904 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

DOUBTS ABOUT THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I rise to speak on the disclosure late last week that the Government had failed to share thousands of pages of evidence with defense attorneys in the case of Timothy McVeigh.

Let me first say that my thoughts and prayers are with the victims and families who lost loved ones as a result of this horrific, cowardly act. My heart goes out to them. For them, this cannot help but be a very difficult time.

Sadly, their ordeal has only been aggravated by the national spectacle surrounding McVeigh's planned execution and now this latest revelation of the mishandling of his case. This latest unforeseen turn must only add to their anger, their pain, and their grief.

There is no question that McVeigh should be punished severely for this heinous crime. On that, there can be no disagreement.

But the FBI's belated release of these thousands of documents highlights the fact that the Federal Government's administration of the death penalty, even in the most highly scrutinized of cases, is fallible.

At his press conference Friday, President Bush said:

> Any time we're preparing to carry out the death penalty, we have a solemn obligation to make sure that the case has been handled in full accordance with all the guarantees of our Constitution. The very foundations of our democracy depend on our ability to assure our citizens that in all criminal cases, and especially in the death penalty, defendants have been treated fairly.

I agree with President Bush.

But if this kind of gross failure can occur in a case managed by the most competent, professional law enforcement agency of which we know, doubts must arise with regard to the Government's ability in every capital case ''to assure . . . that defendants have been treated fairly.''

And if this kind of dereliction occurs in a case vigilantly observed under the television klieg lights, doubts must arise that this Nation has made sure that other capital defendants' cases have ''been handled in full accordance with all the guarantees of our Constitution.''

And if this kind of deficiency can take place when dedicated and well-trained counsel have labored and diligently applied themselves to ensure fairness for this defendant, doubts must arise that this Nation is in all death penalty cases delivering the justice on which ''[t]he very foundations of our democracy depend.''

To honor ''the guarantees of our Constitution,'' we must ensure the fairness of the entire process by which the Government applies the death penalty—from arraignment, to trial, to sentencing.

And to ensure that ''defendants have been treated fairly,'' we must ensure equity in treatment for all defendants, regardless of where in the Nation they live or what the color of their skin.

In these respects, the case of Timothy McVeigh does not present the Bush administration its most difficult test. For the McVeigh case lacks the questions of innocence, regional disparity, and discrimination that haunt so much of death row.

After McVeigh's, the next scheduled Federal execution is that of Juan Raul Garza. Because of questions raised about regional and racial disparities in the Federal death penalty system, his execution was stayed until June 19. When he stayed the execution, President Clinton instructed the Justice Department to conduct a study to determine the causes of those regional and racial disparities.

Observers of justice in America will await how the Justice Department and the President review these questions. Until these questions are resolved, and until we are certain of the fairness of the process, the Government should not execute Juan Raul Garza. These questions may provide the weightiest test of Attorney General Ashcroft and President Bush in the weeks to come.

TAX CREDITS FOR HYBRID VEHICLES

Mr. BIDEN. Mr. President, tomorrow the administration will unveil its energy plan. From the early reports we have been given, I am concerned that the proposals are too heavily weighted on the production side and fail to adequately address the need for conservation. One bright note that I have found is a general support for hybrid vehicles, the topic that I wish to address briefly today.

Specifically, I want to voice my support for legislation creating a hybrid vehicle tax credit. A hybrid vehicle combines an electric motor and battery pack with an internal combustion engine. The engine and the electric motor work in tandem, with either system providing primary or secondary power depending on driving conditions. For example, when stopped at a light, the vehicle shifts from an internal combustion engine to electric power and then back again upon acceleration. In addition, the batteries are re-charged during operation, eliminating the need for an external charger. This is new technology and the result of years of hard work.

I would like to see my colleagues join me in passing legislation to create a tax credit that would encourage consumers to purchase hybrid vehicles. I

have known for years that this technology would become available and I have been looking for the right opportunity to draft legislation that would help put hybrid vehicles on our roads. I think that there are two components that must be addressed in a tax credit bill. To begin, I firmly believe that we must reward the integration of the technology into the vehicle with a base credit. In addition, however, I feel strongly that an important goal that must be achieved through legislation is to reward a vehicle that significantly decreases the amount of fuel consumed. I have proposed a plan that provides both a base credit of up to $2000 for the use of the technology, as well as a bonus credit, up to $1000, calculated based upon the lifetime fuel savings of the vehicle.

I think that this approach is a sound one. Placing the emphasis on gallons saved speaks directly to the importance of conservation and with our country facing an energy crisis is critical. And I also know that the biggest improvements in the reduction of fuel consumption will come from getting larger volumes of hybrid vehicles into the hands of consumers.

But in crafting this legislation, there are certain realities that we must accept. Today, there is a significant portion of the population that wants to drive a larger vehicle. This is America and people are entitled to personal choice. It is for this reason that I applaud the efforts of car manufacturers who have chosen to place hybrid technology in larger vehicles and SUV's. For example, DaimlerChrysler has committed to hybridizing the popular Dodge Durango with the vehicle scheduled to come on like in 2003 and this will bring a 20 percent improvement in fuel consumption.

I am also aware that others have advocated different approaches to crafting legislation that creates a tax credit for hybrid vehicles. My colleague Senator HATCH has introduced a bill, S. 760, that would provide a tax credit for hybrid vehicles as well as other advanced motor vehicle technologies. While his bill provides a base credit, up to $1,000, for the inclusion of hybrid technology, the bonus credit in this bill, up to $3,000, is calculated depending upon the fuel economy performance of the vehicle.

In addition to the Hatch bill and the administration's general statements, members of the automobile industry as well as environmentalists are also engaged in discussions to draft language that will create an incentive for consumers to purchase a hybrid vehicle. In the next few weeks, we need to have a thorough discussion among members of the automobile industry and environmentalists so that we can reach consensus on the language of this important legislation and move forward to passage of a bill. There is not just one approach that solves the problem and I am prepared to listen to all views. I hope that the other stakeholders are also ready to work for a compromise. While we may differ on our approach to drafting the legislation, I am sure that we can all agree that the goal should be passage of legislation that creates a tax credit for hybrid vehicles and provides the necessary encouragement to bring this important technology into the marketplace.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a heinous crime that occurred December 12, 1999 in Washington County, PA. Three men who went to an adult bookstore to rob a gay man now face charges of kidnapping, robbery, aggravated assault, murder, tampering with evidence, and one count of conspiring to commit those crimes in the disappearance of Ira Swearingen, 49, a medical consultant from Stout, NV. The gruesome details of the abduction, beating, and murder of Swearingen were revealed in court. After being abducted, Swearingen was stuffed inside the trunk of his rental car, during which time, one of the perpetrators said ''Did ya hear it? I broke his jaw.'' Another perpetrator heard gurgling of blood and heard the victim screaming. They yelled ''Shut up faggot! Shutup, pickle.'' Later, the victim was driven to an isolated area, forced to strip and marched into the woods as he pleaded for his life at which point, one perpetrator testified, he shot the victim between the eyes at close range.

I believe the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 15, 2001, the Federal debt stood at $5,651,674,551,618.32, five trillion, six hundred fifty-one billion, six hundred seventy-four million, five hundred fifty-one thousand, six hundred eighteen dollars and thirty-two cents.

One year ago, May 15, 2000, the Federal debt stood at $5,665,245,000,000, five trillion, six hundred sixty-five billion, two hundred forty-five million.

Five years ago, May 15, 1996, the Federal debt stood at $5,115,694,000,000, five trillion, one hundred fifteen billion, six hundred ninety-four million.

Ten years ago, May 15, 1991, the Federal debt stood at $3,460,389,000,000, three trillion, four hundred sixty billion, three hundred eighty-nine million.

Fifteen years ago, May 15, 1986, the Federal debt stood at $2,030,072,000,000, two trillion, thirty billion, seventy-two million, which reflects a debt increase of more than $3.5 trillion, $3,621,602,551,618.32, three trillion, six hundred twenty-one billion, six hundred two million, five hundred fifty-one thousand, six hundred eighteen dollars and thirty-two cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO S. ROBERT LEVINE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to S. Robert Levine of Stratham, NH for being honored as a significant contributor to New Hampshire's growth and development.

Robert co-founded Cabletron Systems, Inc., in 1983, expanding the computer networking company into a $1.5 billion corporation employing more than 6,000 people in 110 offices throughout the world. He was the recipient of the ''Entrepreneur of the Year'' award by Inc. Magazine in 1991, and was included among the nation's wealthiest people on the ''Forbes 400'' list for several years.

Robert also has operated his own business, Robert Associates, in Natick, MA, selling cable products. He earned a B.S. in Business Management from the University of Miami, FL.

Robert Levine has been a generous supporter whose personal gifts include millions of dollars for police departments, schools and hospitals. One of his largest gifts funds cancer research at a teaching hospital in Worcester, MA.

Robert Levine has served the people of the State of New Hampshire with dedication and generosity. His contributions to the business and charitable communities of our State have been exemplary. I commend him for his philanthropy to our State and country. It is an honor and a privilege to represent him in the United States Senate.•

IN RECOGNITION OF NEIGHBOR DAY

• Mr. REED. Mr. President, I rise today to acknowledge the endeavors of the citizens and Town Council of Westerly, RI, in establishing and promoting Neighbor Day. Neighbor Day is an opportunity to learn more about others in our communities. It is also a celebration of friendship, civility, peace and cooperation. Since 1993, when a dispute between two teenagers left one youth dead and another charged with murder, Westerly has celebrated Neighbor Day in an effort to prevent similar tragedies at home and throughout the world.

Westerly's tradition has been adopted throughout my state. The Rhode Island

General Assembly in 1999 designated the Sunday before Memorial Day as Neighbor Day for annual statewide observance. It is the hope of the citizens of Westerly that Neighbor Day will gain nationwide and worldwide recognition, and that its ideals—community, tolerance, and nonviolence—will one day become a reality for all.

I hope my colleagues will join with me in recognizing Westerly's achievement in encouraging friendship and respect among all people.

I ask that following this statement the resolution of the Rhode Island General Assembly, declaring statewide recognition of Neighbor Day, be printed in the RECORD.

SENATE RESOLUTION DECLARING MAY 19, 1996 TO BE NEIGHBOR DAY IN RHODE ISLAND

Whereas, Go out of your way to get in touch with your neighbors. Ring doorbells and say ''Hello.'' These are but some of the things we each can do to learn more about the people in our communities; and

Whereas, In 1993, Westerly became the first town in the Ocean State to declare the Sunday before Memorial Day to be Neighbor Day, and the State of Rhode Island swiftly followed its splendid example. Hopefully national and international recognition of this special day will make its ideals a reality for all; and

Whereas, While respect and justice for all is often upon our lips, it will take a strong personal commitment by each and every one of us to actualize this dream; now, therefore, be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby declares May 19, 1996 to be Neighbor Day in Rhode Island. It is so important that all Rhode Islanders learn that the most important moral obligation we all share is to ''Love Thy Neighbor''; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to Mary Jane DiMaio, MJD Enterprises.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 586. An act to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes.

H.R. 1696. An act to expedite the construction of the World War II memorial in the District of Columbia.

H.R. 1727. An act 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.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 428) concerning the participation of Taiwan in the World Health Organization.

The message further announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), as amended by Public Law 106–55, the Speaker reappoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a term of 2 years: Ms. Nina Shea of Washington, DC.

The message also announced that pursuant to section 4 of the Congressional Award Act (2 U.S.C. 803), the Majority Leader appoints the following Member of the House of Representatives to the Congressional Award Board: Ms. JACKSON-LEE of Texas.

At 4:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

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–1860. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report relative to the Department's enforcement activities under statute during calendar year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–1861. A communication from the Acting Assistant Secretary of Defense, Command, Control, Communications, and Intelligence, transmitting, pursuant to law, the Chief Information Officer Annual Information Assurance Report for Fiscal Year 2000; to the Committee on Armed Services.

EC–1862. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to Interim Approval Requirements'' (FRL6980–6) received on May 10, 2001; to the Committee on Environment and Public Works.

EC–1863. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance; Public Assistance Program Community Disaster Loan Program'' (RIN3067–AD20) received on May 14, 2001; to the Committee on Environment and Public Works.

EC–1864. A communication from the Acting Assistant Secretary of the Office of Health Standards Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Occupational Exposure to Cotton Dust—Amendment; Partial Exemption for Batch-Kier Washed Cotton'' (RIN1218–AB90) received on May 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1865. A communication from the Director of Regulation Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Doc. No. 00F–1487) received on May 14, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1866. A communication from the General Counsel of the Office of Management and Budget, transmitting, pursuant to law, the report of a vacancy, nomination, and a change in the previously submitted report information for the position of Administrator of the Office of Federal Procurement Policy, Office of Management and Budget; to the Committee on Governmental Affairs.

EC–1867. A communication from the Deputy Director of the Institute of Museum and Library Services, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1868. A communication from the Chairman of the United States International Trade Commission, transmitting, the report of the Office of Inspector General for the period October 1 through March 31, 2001; to the Committee on Governmental Affairs.

EC–1869. A communication from the Attorney-Advisor of the Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-Bound Traffic, CC Doc. Nos. 96–98, 98–68, Order on Remand and Report and Order'' (FCC 01–131) received on May 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1870. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Reexamination of the Comparative Standards for Noncommercial Educational Applicants'' (Doc. No. 95–31) received on May 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1871. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Memorandum Opinion and Order on Reconsideration, Establishment of Class A Television Service'' (Doc. No. 00–10) received on May 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1872. A communication from the Special Assistant to the Bureau Chief, Mass

Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Aberdeen, Elma and Montesano, Washington'' (Doc. No. 00–13) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1873. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Lubbock, TX'' (Doc. No. 01–17) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1874. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Brighton and Stowe, Vermont'' (Doc. No. 00–134) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1875. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Eugene, OR'' (Doc. No. 01–16) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1876. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Albuquerque, NM'' (Doc. No. 01–28) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1877. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Wickenburg, Bagdad and Aguila, AZ'' (Doc. No. 00–166) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1878. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and Class E Airspace; Oxford, CT'' ((RIN2120–AA66)(2001–0084)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1879. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Ogallala, NE; Correction'' ((RIN2120–AA66)(2001–0082)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1880. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Grant, NE'' ((RIN2120–AA66)(2001–0083)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1881. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establish Class E Airspace; Culpeper, VA'' ((RIN2120–AA66)(2001–0080)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1882. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Gage, OK'' ((RIN2120–AA66)(2001–0081)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1883. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A340 Series Airplanes Equipped with CFM International CFM56–5C Engines'' ((RIN2120–AA64)(2001–0210)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1884. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 8 Series Airplanes'' ((RIN2120–AA64)(2001–0209)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1885. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 8 Series Airplanes'' ((RIN2120–AA64) (2001–0208)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1886. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 8 Series Airplanes'' ((RIN2120–AA64) (2001–0207)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1887. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas DC 8 Series Airplanes'' ((RIN2120–AA64) (2001–0206)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1888. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes'' ((RIN2120–AA64) (2001–0203)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1889. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 Series Airplanes'' ((RIN2120–AA64) (2001–0204)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1890. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Model G 1159, G 1159A, G 1159B, G IV, and G V Series Airplanes'' ((RIN2120–AA64) (2001–0205)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1891. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: P and W PW4000 Series Turbofan Engines'' ((RIN2120–AA64) (2001–0199)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1892. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–300 Series Airplanes Equipped with Motive Flow Check Valves Having Part Number 106–6007–01'' ((RIN2120–AA64) (2001–0200)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1893. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes'' ((RIN2120–AA64) (2001–0201)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1894. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Aircraft Model S–76A Helicopters'' ((RIN2120–AA64) (2001–0202)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1895. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters Inc Model MD–900 Helicopters'' ((RIN2120–AA64) (2001–0198)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1896. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4–620, A310–203, A310–221, and A310–222 Series Airplanes'' ((RIN2120–AA64) (2001–0197)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1897. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 and –300 Series Airplanes'' ((RIN2120–AA64) (2001–0194)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1898. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models 35–C33A, E33A, E33C, F33A, F33C, S35, V35, V35A, V35B, 36 and A36 Airplanes'' ((RIN2120–AA64) (2001–0196)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1899. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: JanAero Devices 14D11 and 23D04 Series Fuel Regulator and Shutoff Valves'' ((RIN2120–AA64) (2001–0195)) received on May 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1900. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Domestic Fisheries

Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States ; Final 2001 Specifications for the Atlantic Bluefish Fishery; Regulatory Amendment'' (RIN0648–AM47) received on May 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1901. A communication from the Secretary of the Interior, transmitting, pursuant to law, the reports of the service on the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

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

POM–53. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to prayer in public schools; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 54

Whereas, The United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof . . .,'' which means that the government is prohibited from establishing a state religion. However, no barriers shall be erected against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion. Rather, its purpose was clearly to protect Americans from governmental mandates with respect to religion; and

Whereas, The Michigan Senate strongly believes that reaffirming a right to voluntary, individual, unorganized, and nonmandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded: Now, therefore, be it

Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and nonmandatory prayer in the public schools of this nation; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 896: An original bill to provide for reconciliation pursuant to section 103 of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Bruce Marshall Carnes, of Virginia, to be Chief Financial Officer, Department of Energy.

David Garman, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

Francis S. Blake, of Connecticut, to be Deputy Secretary of Energy.

Robert Gordon Card, of Colorado, to be Under Secretary of Energy.

(The above nominations were reported with the recommendation 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. REID (for himself and Mr. MCCAIN):

S. 893. A bill to establish the National Boxing Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. SANTORUM, Mr. GRAHAM, Mr. TORRICELLI, Mr. ENSIGN, Mr. ALLEN, Mr. CRAIG, Mr. NELSON of Florida, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, and Mr. REID):

S. 894. A bill to authorize increased support to the democratic opposition and other oppressed people of Cuba to help them regain their freedom and prepare themselves for a democratic future, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. FRIST):

S. 895. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Finance.

By Mr. GRASSLEY:

S. 896. An original bill to provide for reconciliation pursuant to section 103 of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83); from the Committee on Finance; placed on the calendar.

By Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. ALLARD, Mr. LEAHY, and Mr. LEVIN):

S. 897. A bill to amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. DOMENICI, and Mr. DASCHLE):

S. 898. A bill to make technical amendments to the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), provide compensation to certain claimants under such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. ALLEN):

S. 899. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. DORGAN, Mr. SCHUMER, Mrs. BOXER, and Ms. STABENOW):

S. 900. A bill to establish a Consumer Energy Commission to assess and provide recommendations regarding recent energy price spikes from the perspective of consumers; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 901. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on the outer Continental Shelf seaward of a coastal State that has declared a moratorium on mineral exploration, development, or production activity in State water; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. SESSIONS, and Mr. SMITH of New Hampshire):

S. 902. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 903. A bill to amend the Cache La Poudre River Corridor Act to make technical amendments; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, Mr. COCHRAN, Mr. ALLEN, and Mr. HATCH):

S. 904. A bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Mr. REID, Mr. JOHNSON, and Mr. LEVIN):

S. 905. A bill to provide incentives for school construction, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRAHAM (for himself, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MCCAIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 90. A resolution designating June 3, 2001, as ''National Child's Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 171

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 171, a bill to repeal certain travel provisions with respect to Cuba and certain trade sanctions with respect to Cuba, Iran, Libya, North Korea, and Sudan, and for other purposes.

S. 201

At the request of Mr. WARNER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 201, a bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes.

S. 284

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 452

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

S. 468

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 468, a bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building.''

S. 580

At the request of Mr. HUTCHINSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 580, a bill to expedite the construction of the World War II memorial in the District of Columbia.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 592

At the request of Mr. SANTORUM, the names of the Senator from New Hampshire (Mr. SMITH,) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 697

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 706

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

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Hawaii (Mr. INOUYE), the Senator from New Hampshire (Mr. SMITH), the Senator from Missouri (Mr. BOND), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 749

At the request of Mr. FITZGERALD, the names of the Senator from Florida (Mr. NELSON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 749, a bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes.

S. 782

At the request of Mr. INOUYE, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 782, a bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 795

At the request of Mr. THOMPSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 795, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 823

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 823, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 824

At the request of Mr. GRAHAM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from West Virginia (Mr . ROCKEFELLER) were added as cosponsors of S. 824, a bill to establish an informatics grant program for hospitals and skilled nursing facilities.

S. 828

At the request of Mr. LIEBERMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 828, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont (Mr. JEFFORDS) 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. 866

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) 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. 881

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of 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.

S. RES. 71

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 9

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict.

AMENDMENT NO. 425

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 425.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 425, supra.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 425, supra.

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 425, supra.

AMENDMENT NO. 524

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 524.

AMENDMENT NO. 563

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 563.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 563, supra.

AMENDMENT NO. 648

At the request of Mr. HELMS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 648.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. SANTORUM, Mr. GRAHAM, Mr. TORRICELLI, Mr. ENSIGN, Mr. ALLEN, Mr. CRAIG, Mr. NELSON of Florida, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, and Mr. REID.)

S. 894. A bill to authorize increased support to the democratic opposition and other oppressed people of Cuba to help them regain their freedom and prepare themselves for a democratic future, and for other purposes; to the Committee on Foreign Relations.

Mr. HELMS. Mr. President, it is an honor to be joined today by Senator LIEBERMAN and eight other distinguished Senators in the sponsorship of the Cuban Solidarity Act which is intended to be a blueprint for a more vigorous U.S. policy to liberate the now enslaved island of Cuba.

This measure, S. 894, is the companion to House bill No. 1271 sponsored by Representative LINCOLN DIAZ-BALART and 95 other Members of the House of Representatives.

Whether one supports the current embargo on the Castro regime or not, we should all agree that we can and must do more to help those struggling for freedom today in Cuba. That is the aim of the Cuban Solidarity Act, and that is why I ask Senators on both sides of the embargo issue to consider supporting this bill on its merits.

The embargo is not a policy, it is merely a policy tool, and the U.S. policy should be to put an end to Fidel Castro's stranglehold on the Cuban people and end his brutal dictatorship—and the sooner the better.

The Cuban Solidarity Act will authorize $100 million in U.S. assistance to the Cuban people over 4 years. It also will mandate a proactive U.S. policy to support the internal opposition to Castro in Cuba. This strategy, by the way, is modeled after the decisive U.S. support for the Polish Solidarity movement back in the 1980s.

With the enactment of the legislation, the U.S. Government will move beyond merely isolating the Fidel Castro regime. Indeed, we can undermine Castro's isolation and oppression of the Cuban people by finding bold, proactive, and creative programs to help those who are working for change on the island of Cuba. This can be achieved by giving the President a mandate to increase all forms of U.S. support for prodemocracy and human rights activists in Cuba.

This support may include food, medicines, office supplies, books, educational materials, telephones, FAX machines, or other material or financial support. And recipients may include political prisoners or their families, persecuted dissidents, labor rights activists, economists, journalists, and others working for peaceful change.

Such support will encourage independent libraries, independent agricultural cooperatives, so-called microenterprises run by self-employed Cubans, or U.S.-based exchange and scholarship programs. In addition, this measure will support nongovernmental charitable programs, such as senior citizen centers, free clinics, or soup kitchens.

For Senators who are not fans of foreign aid—and I am among them—I am obliged nevertheless to acknowledge that the investment the United States made in the liberation of Eastern Europe has yielded immeasurable benefits. That is precisely what we propose to do with and to Cuba. Our businesses and our farmers stand to benefit once the Cuban people can begin to reconstruct their economy. This, of course, cannot happen until the Cuban people can shed themselves of the Marxist regime now in power in Cuba that is bankrupt in every sense of the word.

While the pending bill neither tightens nor loosens the embargo on the Cuban regime—that is to say, the Fidel Castro regime—it will allow President Bush to license private donations from Americans to independent Cuban groups and to independent self-employed Cubans. The President can license the importation into the United States of goods made by independent, self-employed Cubans. These potential beneficiaries and activities have in common the intent and purpose to promote freedom and independence from the ruthless Fidel Castro regime that now uses hunger and fear to keep the people of Cuba under control.

Critics of this bill may contend that this high-profile support will give Castro an excuse to harass and jail dissidents for receiving foreign support. But the sad truth is that Fidel Castro is already tormenting his own people, systematically and relentlessly.

Furthermore, if courageous Cuban dissidents choose to stand up for their God-given rights and look to us for moral or material support, certainly we should not turn our backs on them. Let Castro do his worst. Let us do our best. Let others waste their energy trying to engage the wornout, cruel dictator, Fidel Castro. The United States will be engaging the other 11 million souls on the island of Cuba who have suffered persecution for too long already.

President Bush already has broad authority to initiate many of the programs prescribed by this bill, and I anticipate that he may do so. He should begin by instructing all relevant U.S. agencies to increase support to democratic opposition groups on the island of Cuba.

For example, the U.S. Agency for International Development has been providing support to U.S. groups promoting democracy and human rights in Cuba. Under the Clinton administration, this program amounted to little more than ''window dressing.'' Hardly anything was done about it. Under President Bush, it must have more personnel, more money, and more room to maneuver around the Fidel Castro regime.

Now other steps are prescribed by this proposed legislation, and they are steps that President Bush can take this day, right now. For example, the proposed act also urges multilateral diplomacy calling on the Cuban Government to respect human rights, free political prisoners, legalize political parties, allow independent trade unions, and submit to internationally monitored free elections, none of which Fidel Castro has permitted since he took over the island of Cuba.

The pending legislation urges the ''freedom broadcasting'' stations, known as Radio and Television Marti and the Voice of America, to take steps to overcome Castro's jamming of the power of those stations so that their excellent programming will be available throughout the island.

The act also urges the President of the United States to instruct the Attorney General to bring to justice those Cubans involved in the February 1996 shoot-down of four innocent pilots on a humanitarian mission over international waters.

Pending indictments also tell us that Castro and his cronies are up to their

noses in cocaine smuggling. It is high time for Fidel Castro to be held accountable for that crime and his many other crimes.

The act also mandates an international campaign to remind the world every day of Castro's abuse of human rights, workers' rights, the independent press, and religious freedom of the Cuban people.

The act also requires an indepth review of all of Fidel Castro's threats to U.S. security posed by his espionage and his relentless quest for unconventional weaponry.

This coming Sunday, May 20, will mark Cuba's independence day. Few Americans know that the United States played a pivotal role in helping Cubans win their independence from Spain back in 1902. Today, our Nation is called upon to keep faith with those Cuban mothers who want to raise their children with the best values, and with Cuban fathers who want to see their families thrive and prosper, and for little Cuban children who deserve a better future than they now have.

The Cuban Solidarity Act is a blueprint for a principled, proactive policy aimed at liberating Cuba. We will be keeping faith with the Cuban people.

I thank the Chair and yield the floor.

By Mr. KERRY (for himself and Mr. FRIST):

S. 895. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Finance.

Mr. KERRY. Mr. President, last month at the African Summit on AIDS in Nigeria, the Secretary General of the U.N., Kofi Annan, called upon the international community to establish a new multibillion-dollar global fund to combat AIDS and other infectious diseases, such as tuberculosis and malaria. He estimates that $7 billion to $10 billion annually will be needed to fight the global pandemic of HIV/AIDS on all fronts—prevention, care, and treatment. This call reflects the magnitude of the challenge before all of us.

The AIDS crisis has never been so devastating or so urgent as it is today. In less than two decades, AIDS has become a global epidemic, endangering the lives of millions of people, the majority of them in developing countries. It has proved more devastating than wars. In 1998, in Africa, 200,000 people died in armed conflict, but in the same time, 2.2 million people died from AIDS.

It is destroying the economies of many developing countries at a critical juncture, unacceptable as that level of death would be at any time, and it is reversing half a century of developmental gains.

Even more importantly, AIDS has emerged as an international security threat with the ability to destroy communities, whole generations, and even nations. Just recently, the Bush administration continued what the Clinton administration had done, which is recognizing it as a security threat to the United States of America.

The statistics are chilling. Over 36.1 million people are living with HIV/AIDS around the world. According to the United Nations, every 60 seconds, 11 people contract HIV due mostly to unprotected sex, but also to intravenous drugs. At the end of the day today, 14,500 more men, women, and children will be infected with HIV. Over 13 million children have been orphaned by AIDS.

Africa is hardest hit by this epidemic today. Eight African countries are struggling under the weight of a disease that has infected 15 percent of their adult populations. Three African countries—South Africa, Botswana, and Zimbabwe—are threatened with negative population growth in the next few years, and if a cure is not found, that will happen.

I know it is difficult for any of us to imagine the enormity of the human suffering that goes along with these statistics, but it is important that we as policymakers do not shy away from understanding the terrible impact AIDS is having on a global basis.

In South Africa, which is at the epicenter of this global epidemic, 25 percent of adults, one in every nine South Africans, are now living with HIV. U.N. officials estimate that if the epidemic continues to spread at its current pace, close to one-half of the country's 15-year-olds will die of AIDS-related illnesses in the coming years—one-half of all the 15-year-olds. This represents an entire generation of South Africans.

While Africa is bearing the brunt of the epidemic today, there are strong signs that Asia will soon fall under the same inconceivable burden. Infection rates are climbing in Asia with countries such as India on the brink of a large-scale expansion of the epidemic. Currently, almost 4 million people in India are infected—second only to South Africa in total number of infections.

In a country with one-sixth the world's population, the AIDS pandemic in India is of particular concern to us. According to the International AIDS Vaccine Initiative, it is making clear inroads into the general population. As with many countries affected by HIV/AIDS, many of the high-risk groups, such as commercial sex workers, intravenous drug users, truckers, and migrant workers, all of whom have high infection rates, end up spreading HIV at alarming rates as globalization and the market economies continue to put pressure on the movement of migrant populations of workers.

Prevention efforts in India face many of the same obstacles as in many developing countries. These include high illiteracy rates, widespread poverty, very poor infrastructure, the low status of women, and taboos on talking about issues of sexuality.

In East Asia, more than 2.4 million people are already infected with the HIV virus, and an estimated 150,000 children have been orphaned. While China does not yet have the same infections as India, Chinese researchers estimate that the number of HIV-infected people could jump to 10 million in a few years.

Countries of the former Soviet Union and Eastern Europe are also vulnerable, with Russia experiencing the highest increase in infection rates in the world last year. The Russian Federation had more new HIV infections in 2000 than in all the previous years of the epidemic combined, totaling 700,000 infections in the year 2000, up from 170,000 in 1997.

Latin America and the Caribbean are also heading down the same path. In fact, some of the Caribbean island states have worse epidemics than any country outside of sub-Saharan Africa. Five percent of the adults in Haiti are living with AIDS.

Even these alarming statistics do not give a full picture of the scope of the HIV/AIDS threat. In fact, for many people in the developing world, AIDS is simply another burden on top of many others, such as poverty, armed conflict, and incomplete infrastructure.

By eating away at the social capital of many of these countries, AIDS is decimating the most productive members of society who are needed to solve many of the other problems in their nations.

In addition to the challenges posed by AIDS, malaria and tuberculosis are also exacting a tremendous toll on the developing world. In 1999, there were an estimated 8.4 million new tuberculosis cases, and 10.2 million new cases are expected in 2005 if present trends continue. Malaria also poses an increasing threat as well, killing at least 1 million people each year, about 3,000 people a day.

The spread of each of these infectious diseases is made worse by health systems' failure, population movement, deteriorating sanitation, and insufficient prevention and treatment efforts.

A human crisis of this proportion demands that we respond with urgency and thoughtfulness. We must continue to support robust prevention, treatment and care programs. But we must also recognize that vaccines are the most effective weapons in the arsenal of modern medicine to stop the threat of AIDS and other infectious diseases. Pharmaceutical companies, however, are reluctant to invest in research for vaccines to prevent HIV/AIDS and other infectious diseases because they fear they will not recover the expense of their research.

The bill that I am introducing today, along with my colleague Senator FRIST, is designed to address this problem by providing incentives for pharmaceutical and biotech research companies to accelerate their efforts to develop vaccines and microbicides to prevent AIDS, TB, malaria, and other

deadly infectious diseases. It does this in three ways.

First, it provides a 30 percent tax credit each year on qualified research expenses to develop microbicides for HIV and vaccines for HIV, TB, malaria, and other infectious diseases that kill more than 1 million people annually. This is an expansion of the existing R&D tax and can be applied to clinical trials outside of the United States, since the majority of those infected with these diseases are beyond our borders.

Second, it provides a refundable tax credit to small biotechnology companies based on the amount of qualified research that they do in a given year. Biotech firms are among the most innovative when it comes to research. Increased research efforts by these firms could be instrumental to the effort to develop effective vaccines, particularly for HIV/AIDS.

Third, the bill provides a 100 percent tax credit on contracts and other arrangements for research and development of these vaccines and microbicides. This credit, which is an increase over the 65 percent credit now in the tax code, is designed to serve as an incentive to larger pharmaceutical companies to work hand in hand with the smaller biotech companies to pick up the pace of vaccine development.

Over the last year a number of pharmaceutical companies have taken steps to help in the treatment of those infected with AIDS by providing life-extending therapies to the developing world at reduced costs. These drugs are critically important but the war against AIDS cannot be won unless we develop vaccines against the HIV virus and related infectious diseases. The pharmaceutical and biotech companies hold the key.

Once vaccines are developed, it is imperative that they be widely distributed. The bill that I am introducing today with Senator FRIST also addresses the distribution side of the equation. It provides a 100 percent tax credit to companies on the sales of new vaccines and microbicides as long as those sales are made to a qualified international health organization or foreign government for distribution in developing countries. It also directs the Secretary of the Treasury to establish a fund in the Treasury for the purchase and distribution of eligible vaccines to developing countries. Finally, it urges continued U.S. government support for the Global Alliance for Vaccines and Immunizations, GAVI, and the Global Fund for Children's Vaccines.

Mr. President, many steps need to be taken in the war against AIDS and other infectious diseases. This bill focuses on only one area but a critically important one: vaccine development and distribution. If the public and private sectors work together with energy and commitment, I believe we can develop the vaccines and once developed, we will win the war.

It is easy for people in a country as rich as we are, as safe as we are, as blessed as we are to lose sight of what is happening on the rest of the planet. There are even some in this country who are quick to simply say: Well, it's their fault; it's the result of their sexual practices; it's the result of their values; it's the result of their culture.

It may well be that it is possible for people to cast a finger and to point blame, but this is a crisis of human proportions that affects all of us. It affects all of us because of the potential destabilization of whole nations with which we do business and on whom we must rely in a whole series of relationships.

It is also critical for us to understand the implications of this because in the world today there are no boundaries. This is a disease, and a disease has all the capacity to be carried across boundaries and become as important to us in this nation as it should have been already simply by virtue of the number of people in our country who are infected and who may potentially carry the disease elsewhere.

Yes, we must continue to support prevention; yes, we must continue to support treatment; and, yes, we must continue to support care programs. But I do not believe any of us can feel secure in the notion that there will be enough money, enough delivery systems, or that we will ever have the capacity to provide the kind of care, treatment, and prevention that will deal with the numbers about which we are talking in a global pandemic of this nature.

The most important tool, the most important weapon in the arsenal against this we have not even begun to use because we have not discovered it yet, and that is a vaccine. A vaccine can replace all of the need for infrastructure, except for the delivery of the vaccine, the need for care, the extraordinary burden on health care systems, and the incapacity of systems to deal with the sheer numbers we are facing.

There is a reason we do not have a vaccine. It is because there is no marketplace. All of these countries are poor, and the drug companies, by and large, have an incentive to provide the drugs that most rapidly remunerates them. We have Prozac, Viagra, and a host of other drugs that are quickly and easily put in the marketplace.

We need to create an incentive in the Tax Code to encourage research and development for the creation of an AIDS vaccine. Many of us are confident that if the United States were to create the kind of energy in our research and development technology, in our education sector, we have the ability to provide the ultimate vaccine against this.

Senator FRIST, a colleague of enormous respect in this institution, as a physician is unparalleled in his understanding of the difficulties of this issue.

I am proud that he is a cosponsor with me of this legislation. We are hoping our colleagues will join us next week when the tax bill comes to the floor in reconciliation. We have an opportunity to provide the small amount of money necessary through this tax structure to be able to create the vaccine that can help deal with this crisis.

Many steps are needed in the war against AIDS and other infectious diseases. This bill focuses on only one area, but it is a critically important one, vaccine development and distribution. If the public and private sectors work together with the energy and commitment that we produced for so many other things in this country, we can make a global contribution of historic proportions. I think we should strive to do nothing less than that.

I yield the floor.

Mr. FRIST. Mr. President, I am pleased to support of S. 895, the Vaccines for the New Millennium Act of 2001. In an age where antibiotics are taken for granted, we often forget that one fourth of all deaths worldwide, over 13 million people annually, are the result of infectious disease. In the next hour alone, 1,500 will die from an infectious disease such as AIDS, malaria, TB or pneumonia, over half those who die will be under the age of 5 years old.

The developing world suffers a disproportionate burden of infectious disease deaths, which destroy lives and perpetuate poverty and sickness, undermining gains in economic growth, education and life expectancy. Vaccines, the most cost-effective weapons in the fight against infectious diseases, have eradicated smallpox, nearly eliminated polio from the planet, and dramatically lowered measles rates.

Yet vaccines are not reaching all those who need them. The expanded use of currently available vaccines, such as those for tetanus, measles and hepatitis could save up to 4 million children every year. The U.S. heavily invests in immunization programs, providing over $100 million each year for polio eradication efforts and millions more to support other global vaccination programs. Recently, we joined the Gates Foundation and other governments to fund the Global Alliance for Vaccines and Immunization to help purchase and deliver the latest vaccines to the poorest countries.

But despite these programs, effective vaccines do not yet exist for malaria, TB, or AIDS, diseases that together kill nearly 6 million people each year. Unfortunately, research and development for diseases such as these, lag far behind the need. Of the $60 billion investment in health research by the public and private sectors, only 10 percent is allocated to the health needs of developing countries.

The National Institutes of Health is the global leader in searching for new vaccines for these diseases, but the job of NIH is science, not development and distribution of commodities such as vaccines. We must encourage increased attention by the private sector if vaccines for AIDS, Malaria and TB are to become a reality.

Research and development by both pharmaceutical and biotech companies have provided dramatic and lifesaving technologies and drugs that benefit millions here and abroad. Their efforts are the lynchpin that ensures recent advances in science reach the widest number of people. But companies are faced with a conundrum, how do they justify the hundreds of millions of dollars necessary to develop and license a vaccine, such as for TB, when the markets for those vaccines are primarily in the world's poorest countries, countries spending less than $10-20 per person on health care per year?

The Vaccines for the New Millennium Act of 2001, is an attempt to provide market incentives for both the large pharmaceutical industry and smaller biotech companies to accelerate development of vaccines for AIDS, malaria and TB, diseases that disproportionately affect developing countries.

The bill will provide incentives at multiple levels in the vaccine development process. It: provides a 30 percent tax credit for research and development expenditures for vaccines for malaria, TB, and AIDS; provides a refundable tax credit to biotech companies that are doing innovative research but are not yet making a profit; provides a 100 percent credit on sale of vaccines for these three diseases to poor countries. Over 10 years, this provision alone could provide as much as $1 billion in additional funding for pharmaceutical companies that develop vaccines for AIDS, malaria, and TB; authorizes a purchase fund for these three vaccines to be established after they become available to the market; and provides the same package of benefits to research and development of microbicides for HIV/AIDS—medications that would enable women to protect themselves from infection with the virus.

It is the objective of this bill to energize the public/private partnership that has helped the U.S. pharmaceutical industry become the world leader in innovation. By promoting increased R&D for diseases affecting the poorest countries, we will all benefit. There is a clear humanitarian and moral call to do what we can to provide safe and effective vaccines to save lives. But beyond this obligation, we cannot forget that infectious diseases do not respect borders. Until TB, malaria, and AIDS are eliminated, we all face the threat from diseases that should be rapidly relegated to the waste bin of history.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

VACCINES FOR THE NEW MILLENNIUM ACT OF 2001—SUMMARY

This bill has two purposes: to provide incentives to pharmaceutical and private sector biotech companies to accelerate research and development of vaccines and microbicides to prevent deadly infectious diseases such as HIV/AIDS, tuberculosis, and malaria, which kill some 5–6 million people annually; and to increase international access to vaccines and microbicides, once developed.

Incentives to Accelerated Research

1—INCREASED TAX CREDIT FOR VACCINE RESEARCH AND DEVELOPMENT

Provides a 30 percent tax credit on qualified research expenses to develop microbicides for HIV and vaccines for malaria, TB, HIV and other diseases that kill 1 million people or more annually. This is an expansion of the existing 20 percent Research and Development tax credit.

Mandates that a company file a research plan with the Secretary of the Treasury on these priority vaccines or microbicides before claiming the tax credit.

Allows the tax credit to be applied to the costs of clinical trials outside of the United States, because of the prevalence of malaria, TB, and HIV in developing countries. However, pre-clinical research must be conducted in the United States in order to claim the tax credit.

2—REFUNDABLE TAX CREDIT FOR SMALL, BIOTECH COMPANIES

Provides a refundable tax credit to small biotech companies based on the amount of qualified research that they a company does in a given year. This credit is designed to stimulate increased research among firms that often do the most innovative research.

Mandates that any firm receiving this credit put an equivalent amount of funds into research and development within 2 years of having received the credit. Such expenditures cannot be claimed under the tax credit for qualified vaccine research and development. Requires the Secretary of the Treasury to promulgate regulations to recapture the credit if a company fails to make these expenditures.

3—TAX CREDIT FOR RESEARCH CONTRACTED OUT

Provides a 100 percent tax credit on contracts and other arrangements for research and development on these priority vaccines and microbicides. This credit, an increase from the existing 65 percent, is designed as an incentive for larger firms to contract with smaller, vaccine research companies.

International Access to Vaccines and Microbicides

1—TAX CREDIT ON SALES OF VACCINES AND MICROBICIDES

Provides a 100 percent tax credit on the value of sales of new vaccines and microbicides for malaria, TB, and HIV and any other disease killing more than 1 million people annually. Sales must be made to a qualified international health organization or foreign government for use in developing countries.

Limits the annual credit on such sales to $100 million through the years 2002–2006 and 125 million through the years 2007–2010.

2—ESTABLISHMENT OF LIFESAVING VACCINE PURCHASE FUND

Mandates the Secretary of the Treasury to establish a purchase fund in the Department of the Treasury at the time that an eligible vaccine is ready for purchase.

Authorizes the Secretary to use the fund to purchase vaccines and distribute those vaccines in developing countries.

3—OTHER MECHANISMS TO INCREASE ACCESS TO VACCINES

Requires a company that develops a vaccine or microbicide using the research and development credit to certify to the Secretary of the Treasury that it will establish a plan to maximize distribution of the vaccine or microbicide to developing countries. Such plan would not waive any rights to pricing, patent ownership or release of proprietary information.

Urges continued US government support for the Global Alliance for Vaccines and Immunizations, GAVI, and the Global Fund for Children's Vaccines.

By Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. ALLARD, Mr. LEAHY, and Mr. LEVIN):

S. 897. A bill to amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes; to the Committee on Government Affairs.

Mr. BAUCUS. Mr. President, today I am pleased to re-introduce an important, common sense, community-based bill with my friend, Mr. JEFFORDS. That bill is the Post Office Community Partnership Act of 2001.

It is not by mistake that we offer this bill during National Historic Preservation Week. This week, sponsored by the National Trust for Historic Preservation, highlights the need to support the diversity and history of our communities and work to revitalize them.

A few years ago, we discovered that post offices throughout the country were not paying attention to local ideas and local needs before closing, relocating, consolidating, or constructing new facilities. I know of several examples in my home state of Montana. Post offices in Livingston and Red Lodge, for example, proposed changes that would have severely altered the downtown fabric of those communities. These small, rural towns have a Main Street by name and by function. It's on Main Street that people stop by the post office on the way to the bank or the grocery store. It's where they enjoy the chance to not only get all their ''in town'' chores done, but also interact with each other.

It's small town ''Main Streets'' all over the country that are threatened when post offices close or relocate. At a time when many rural communities are struggling, the closure or relocation of a Main Street post office is the sounding of a death knell.

Communities like Livingston and Red Lodge define our rural landscapes. They have been built around a cluster of essential services that ensure their vitality. Communities are unnecessarily hurt when cornerstone institutions, like post offices, close or relocate. People not only lose a gathering place, they lose an important element of their community.

There are certainly instances where closures, relocations, consolidations, and new construction are good choices for a community. This bill doesn't change that. What it does, is address those instances where people and communities have suffered because the Postal Service has made a decision without consulting with community members.

While the Postal Service has made some internal changes in the past couple of years to include more public involvement, I fear that new pressures on delivery service will tempt the Postal Service to focus on ways to meet their business needs, while belying the role they play in communities.

Today, Senator JEFFORDS and I are re-introducing legislation to ensure public participation in local post office decisions relating to closing, consolidation, relocation, or new construction. This bill isn't about imposing new mandates on the Postal Service. It's about honoring the role that the Postal Service plays in our towns and communities. It's about protecting a partnership that communities and the Postal Service have nurtured throughout the history of this country.

Indeed, partnership is what this bill is all about. Specifically, our bill outlines a process for community notification and involvement. It makes sure that a community's voice is heard. It requires the Postal Service to post notification of proposed facility changes. It specifies that local government officials be notified of the proposed changes at the same time as persons serviced by the local post office. And it requires the Postal Service to follow local public participation processes if they are more stringent than their own.

These common-sense provisions will ensure that communities continue to partner with the Postal Service and that both the Postal Service and our communities will continue to enjoy a mutually beneficial relationship.

I urge my colleagues to support Senator JEFFORDS and me in passing this important legislation.

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

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

S. 897

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 ''Post Office Community Partnership Act of 2001''.

SEC. 2. PROCEDURES RELATING TO THE PROPOSED CLOSING, CONSOLIDATION, RELOCATION, OR CONSTRUCTION OF A POST OFFICE.

(a) APPLICABILITY.—Section 404(b) of title 39, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by striking ''(b)(1)'' and inserting ''(2)''; and

(3) by inserting before paragraph (2) (as so redesignated) the following:

''(b)(1) This subsection shall apply in the case of any proposed closing, consolidation, relocation, or construction of a post office.''.

(b) ADVANCE NOTICE.—Paragraph (2) of such section 404(b) (as so redesignated) is amended to read as follows:

''(2)(A) The Postal Service, before making a determination under subsection (a)(3) as to the necessity for a proposed action described in paragraph (1), shall, in order to ensure that the persons, including local government officials, who are (or would be) served by the post office involved will have an opportunity to present their views, provide adequate notice of its intention to take such action with respect to such post office at least 60 days before—

''(i) in the case of the proposed construction of a post office, the date of the determination under subsection (a)(3); or

''(ii) in the case of an action other than the proposed construction of a post office, the proposed date of such action.

''(B) The requirements of this paragraph shall not be considered met unless the notice—

''(i) has, by the deadline specified in subparagraph (A)—

''(I) been hand delivered or delivered by mail to the persons required under subparagraph (A); and

''(II) been published once a week for at least 4 weeks in 1 or more newspapers regularly issued and of general circulation within the zip code areas which are (or would be) served by the post office involved; and

''(ii) includes a description of the action proposed to be taken with respect to the post office involved, a summary of the reasons for the proposed action, and the date on which such action is proposed to be taken (or, if the construction of a post office is involved, the proposed timetable therefor).''.

(c) CONSIDERATIONS.—Paragraph (3) of such section 404(b) (as so redesignated) is amended—

(1) in the matter before subparagraph (A), by striking ''to close or consolidate'' and inserting ''to take a proposed action with respect to'';

(2) by striking ''such closing or consolidation'' each place it appears and inserting ''such action'';

(3) in subparagraph (A)(i), by striking the semicolon and inserting '', taking into account (I) the extent to which the post office is part of a core downtown business area (if at all), and (II) the nature and the extent of any opposition within the community to the proposed action;'';

(4) in subparagraph (A)(ii), by striking ''Service employed at such office;'' and inserting ''Service;'';

(5) in subparagraph (A)(iv), by inserting ''quantified long-term'' before ''economic''; and

(6) in subparagraph (A), by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (viii), and by inserting after clause (iv) the following:

''(v) any views or concerns expressed by any officials or other representatives of local government, including whether the proposed action is reasonable in light of local population projections;

''(vi) consistency with the size, scale, design, and general character of the surrounding community;

''(vii) whether all reasonable alternatives to such action have been explored; and''.

(d) NOTICE OF DETERMINATION.—Paragraph (4) of such section 404(b) (as so redesignated) is amended—

(1) by striking ''to close or consolidate'' and inserting ''to take a proposed action (described in paragraph (1)) with respect to'';

(2) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(3) by striking ''office.'' and inserting ''office (including by posting a copy of such determination in the post office or each post office serving the persons who will be affected by such action) and shall be transmitted to appropriate local officials.''.

(e) ADDITIONAL REQUIREMENTS.—Such section 404(b) is amended by adding at the end the following:

''(7) In any case in which a community has promulgated any procedures to address the relocation, closing, consolidation, or construction of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, closing, consolidation, or construction of a post office in that community in lieu of applying the procedures established in this subsection.

''(8) In making a determination to relocate, close, consolidate, or construct any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including design guidelines, building codes, and all other provisions of law) to the same extent and in the same manner as if the Postal Service were not an establishment of the Government of the United States.

''(9) Nothing in this subsection shall be construed to apply to a temporary customer service facility to be used by the Postal Service for a period of less than 60 days.

''(10)(A) In this paragraph the term 'emergency' means any occurrence that forces an immediate relocation from an existing facility, including natural disasters, fire, health and safety factors, and lease terminations.

''(B) If the Postmaster General determines that there exists an emergency affecting a particular post office, the Postmaster General may suspend the application of this subsection, with respect to such post office, for a period of not to exceed 180 days.

''(C) The Postmaster General may exercise the suspension authority under this paragraph with respect to a post office once for each discrete emergency affecting such post office.

''(11) The relocation, closing, consolidation, or construction of any post office shall be conducted in accordance with applicable provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 404(b) is amended—

(1) in paragraph (5) (as so redesignated) by striking ''take no action to close or consolidate'' and inserting ''take no action described in paragraph (1) with respect to''; and

(2) in paragraph (6) (as so redesignated)—

(A) by striking ''to close or consolidate'' and inserting ''to take any action described in paragraph (1) with respect to''; and

(B) by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

Mr. JEFFORDS. Mr. President, I rise today to join my colleague Senator BAUCUS in reintroducing the ''Post Office Community Partnership Act of 2001.''

This bill is similar to the one we introduced in the 105th and 106th Congress that so many of our colleagues supported in the past. It is my hope that this year the bill will become law. We are also coordinating our efforts with Representative BLUMENAUER of Oregon who will introduce a companion bill in the House of Representatives this week.

This bill will allow local communities to have a voice in determining the future of their local Post Office. In many towns across Vermont, the post office functions as the social and economic cornerstone of the local downtown area. Not only does the post office provide a daily service to residents, it is an enduring neighborhood institution. The post office is an enduring neighborhood institution where

residents catch up with their neighbors, or get the latest news. As a consequence many small towns across America are hurt by decisions to close, relocate or consolidate postal facilities. Our bill will increase local community input when the Postal Service determines that a facility will be constructed, consolidated, relocated, or closed.

This bill also addresses larger smart growth concerns. Right now, the U.S. Postal Service is exempt from local zoning and building laws. This creates situations where the new facilities do not fit in with the size or scale of the local community. Many new facilities are relocated to the outer fringes of downtowns which encourages sprawl. Transplanting local facilities out of downtown locations has a potentially devastating impact on the character of many towns. This bill will help preserve the small town way of life by preventing sprawl and encouraging the reuse of historic structures. The Post Office Community Partnership Act will help communities have a say in the future of their local post offices.

There have been a number of incidents in Vermont where a post office has moved out of the traditional town center and local officials have had little or no say in the decision. In Perkinsville, VT the post office moved from the general store to a site miles from the downtown. The same thing happened in Fairfax, when the post office moved from a historic building downtown to a strip mall.

A prime example is Westminster, one of the oldest towns in Vermont. This town of 3,200 people was shocked to learn that the Postal Service was replacing their old facility with a building more than four times as large with 33 parking spaces. There were several reasons the community and local government officials were outraged at the decision. First, the Postal Services's standard ''design number 30'' does not fit in with Westminster's size, scale, zoning, or historic character. The Postal Service has been unwilling to modify their standard designs to meet community needs. Moreover the neighboring town recently built a new post office with more than 1200 PO boxes that are still vacant. The Post Office Community Partnership Act will allow the Postal Service and the local community to work together from the beginning of the planning process toward common sense solutions that benefit everyone.

This legislation is necessary to ensure that local communities will always have a voice in the Postal Service's decision making process. As towns struggle to grow and plan for their development, the Postal Service has all too often been an unwilling partner. In Vermont and across the U.S., many communities are attempting to carefully plan their future development, to protect and preserve their open space, prevent unregulated sprawl, and conserve natural resources. Yet they are not getting any assistance, and are often hindered by Postal Service decisions. This bill will close some of the loopholes that allow the Postal Service to operate outside the regulations that localities place on other businesses and government agencies.

This legislation will strengthen the ties between the Postal Service and local governments, help preserve our downtowns, prevent sprawl, and promote sensible, managed growth. I urge my colleagues to join Senator BAUCUS and me in support of this legislation.

Mr. LEAHY. Mr. President, I am pleased to be an original co-sponsor of the Post Office Community Partnership Act. Too often the Postal Service's designs for new offices fail to conform with local land use laws and these new cookie-cutter structures are replacing what were once the heart and soul of our towns. This legislation will ensure that the Postal Service does a better job of listening to local communities, respecting zoning regulations, and preserving Vermont's distinctive character.

In Vermont and across the country, Post Offices are community linchpins, serving more than just generic mailing stations. It is the Post Office where people go to meet their neighbors and talk about the latest news. The Postmaster is sometimes the only national representative in a community, and they often provide advice and guidance about important issues. The Post Office is inextricably linked with daily life. Remove it, and the special character of the place is lost.

As the Post Office has experienced financial difficulties in recent years, the prospect of Post Office closures has loomed larger. Unfortunately, inadequate processes are in place to ensure that the U.S. Postal Service will consult with local communities in the event of a closure, relocation, or consolidation. This legislation will ensure that the service notifies communities far in advance of any action, and ensure that concerned citizens have a role in decisions.

With such provisions in place and other much-need reforms, the U.S. Postal Service will work through its difficulties. The service will continue to grow, expanding access and making much-needed modernizations to its older facilities.

Too often, though, new post offices look like they do not belong in the heart of a traditional town center. Local zoning ordinances are ignored, and the Post Office contributes to unsightly sprawl. While there are many success stories, there are few detailed guidelines to avoid repetitions of the failures. That is why this legislation also includes provisions to ensure the U.S. Postal Service will follow local land use laws.

Successful mail service is a subtle balance between efficiency and contributing to the community. I think this important legislation will help the U.S. Postal Service find that balance well into the future. I commend Senator JEFFORDS for introducing this legislation, and I urge its swift consideration and passage, as it will help preserve the important role of our Post Offices in our way of life.

By Mr. HATCH (for himself, Mr. DOMENICI, and Mr. DASCHLE):

S. 898. A bill to make technical amendments to the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), provide compensation to certain claimants under such act, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today I am introducing bipartisan legislation that will provide important and necessary technical changes to the Radiation Exposure Compensation Act of 1990, RECA, as amended.

I am delighted that my good friend and esteemed Chairman of the Budget Committee, Senator DOMENICI, is joining me as the primary cosponsor. PETE and I have been working on RECA since its enactment in 1990 and his leadership has been invaluable over the years in making this program a reality.

I want to give special thanks to Senator DASCHLE for joining us as an original cosponsor on this important legislation. His support of this program has been critical to its success.

I also want to thank Congressman CHRIS CANNON who is introducing the companion bill in the House.

The compensation fund established under the original RECA Act of 1990 provides a level of financial support to thousands of individuals, both workers and civilians, who were not informed about the health hazards associated with radiation exposure. Many of these individuals worked in uranium mines, many drove the trucks which transported uranium ore, and many happened to live downwind from a nuclear test site. These individuals, especially the downwinders, became ill due to their radiation exposure.

As my colleagues will recall, last year Congress passed the Radiation Exposure Compensation Amendments of 2000, S. 1515. This law, P.L. 106–245, included new eligibility standards so that individuals who were injured as a result of working in the government's nuclear weapon's program would receive some compensation for their radiation-related illness.

The RECA Amendments of 2000 made important changes to the original 1990 Act by updating the list of compensable illnesses, primarily cancers, eligible for consideration as well as increasing the number of individuals and states eligible for compensation based on the latest scientific and medical information gathered over the past decade.

It has become painfully clear that there remain several important problems with the program which needs immediate or corrective attention by the Congress.

First and foremost is the fact that the RECA Trust Fund is depleted. This is a situation we cannot allow to continue.

I must say that I am outraged by the lack of funding for RECA. If Social Security recipients suddenly did not receive their checks, can you imagine the outcry that would fall on the Congress? A government IOU is a second injustice for families who have already suffered once too much.

The fact of the matter is that funding for RECA must be permanently appropriated. Otherwise, we continue to run the risk of annual appropriation shortfalls during the appropriations process.

Because the trust fund is depleted, RECA claimants are now receiving ''IOU'' letters from the Federal Government in lieu of a check. I am informed by the Justice Department, which oversees the RECA program, that approximately 180 claims cannot be paid because the trust fund is depleted. Morever, I understand this number is likely to increase to as many as 2,000 claims.

This situation is simply unacceptable. I have met with RECA claimants in my state. It does not take long to see the pain and suffering they have endured over the years. Pain and suffering, I might add, that has taken a toll not only on their lives but on the lives of their families, as well.

Most of these individuals are now retired; they live on modest incomes, and fear their declining health will only exacerbate their limited family finances.

Many of these individuals have already died as a result of their injuries sustained while working for the government's nuclear production program. They have paid the highest price for service to their country—their lives.

I recently received a copy of a letter from one of my constituents, Miss Rita Torres, who wrote to President Bush regarding her father, Mr. Jose O. Torres, who suffered from cancer as a result of working in a uranium mine.

Mr. Torres was diagnosed with lung cancer two years ago. It metastasized to his liver. He had to use oxygen constantly because part of one of his lungs had been removed.

Seven months ago Mr. Torres received a letter from the Department of Justice informing him he had been approved for compensation under the RECA program.

According to Mr. Torres, ''When I received my approval, it was a happy day. I have exhausted all my means and have been waiting for some relief from my government since the approval letter arrived seven months ago. Once I was a strong man, glad to work hard all day long. But I am no match for the pain, it has brought me to tears, it has brought my wife to tears as she struggles to make me comfortable, it has brought my children to tears to see their parents suffer so. I have no access to money. I have no influential friends. I am a simple person who has understood that when you gave your word, it meant something. But all the promises to the people have been forgotten. To be near the end [of my life] with no relief from the government has saddened me very much.''

Mr. Torres never received his check from the federal government. He received an IOU instead.

Several weeks ago, on March 21 at 2:30 p.m., Mr. Jose Torres passed away. He was 73.

We cannot forget these brave Americans. When Congress passed the original RECA legislation in 1990 and the subsequent RECA 2000 amendments last year, we made a promise to them.

Mr. Torres, like thousands of other individuals in the 1940s, 50s and 60s, worked in some of the most horrendous conditions imaginable all the while not knowing that they were exposed to dangerous levels of radiation.

The legislation I am introducing today will provide for a permanent, indefinite appropriation to the RECA Trust Fund. Both the President's budget and the budget resolution contain a provision proposing to fund RECA on a permanent basis.

The bill we are introducing today provides the necessary authority for Congress to follow-through and appropriate a full and permanent allocation to the trust fund.

Let me also take a moment to comment briefly about another key provision in the bill which I believe deals with a matter of fairness for the RECA community.

The legislation we are introducing today ensures that all individuals exposed to radiation as a result of the government's nuclear weapons production program are accorded the same level of benefits.

Last fall, Congress passed the Department of Defense Authorization Act of 2000, P.L. 106–398, creating a new ''Energy Employees Occupational Illness Compensation Program.'' This new program, which I supported, establishes a compensation fund for Department of Energy, DOE, employees and contract employees who were injured due to exposure to radioactive materials while working at DOE nuclear facilities and weapons testing sites.

Under the Energy program, individuals whose claims are approved will receive a monetary amount of $150,000 plus prospective medical benefits. These benefits are considerably more generous than those provided under RECA.

During the DOD conference last fall, Senator DOMENICI and I worked to provide an increase in benefits for the RECA claimants to provide them with an additional $50,000 plus prospective medical benefits.

It seems blatantly unfair for the federal government to provide a richer level of benefits to its own employees than for innocent civilians who happened to live downwind from a test site, or who worked in one of the mining operations.

Although the final agreement did extend additional benefits to the RECA workers, the conferees decided not to include the downwinders or on site participants.

The bill we are introducing today corrects this injustice and ensures that all individuals exposed to radioactive materials, as part of the government's program, are treated the same with respect to the level of benefits provided.

The third and final key provision of this legislation provides necessary technical changes to the 2000 Act which, essentially, were recommended by the Department of Justice. The 2000 Act inadvertently eliminated some claimants previously eligible for compensation, and made it more difficult for other claimants to prove eligibility.

For example, in amending the list of downwinder areas, RECA 2000 inadvertently eliminated individuals in a portion of Mohave County in Arizona who were previously eligible under the original RECA program. As a consequence, claimants who reside in this portion of Mohave County are no longer eligible for compensation. The technical amendment would again include this area in the definition of downwinder areas.

The proposed legislation we are introducing today will also improve the efficiency of the RECA program. Moreover, this bill will ensure fairness in the administration of RECA.

I am particularly mindful of concerns regarding the inclusion of additional cancers or counties to be included in the Act as well as the standards for length of radiation exposure necessary to qualify for the program. I know there has been some confusion over the length of radiation exposure requirements for certain cancers.

In this regard, I have included in the bill Section 5 which specifically directs the National Research Council to report to Congress annually with recommendations to include additional cancers, or counties, in the program. Moreover, the NRC is directed to examine whether the requirements for exposure to radiation should be reduced. This section will provide Congress the needed epidemiological data to assist us in resolving these issues.

It is critical that Congress pass this legislation as soon as possible. And, to that end, I intend to schedule this bill for an executive business meeting in the Judiciary Committee as soon as possible.

This bill has strong bipartisan support. I urge my colleagues to support this measure so that the Federal Government can keep its commitment to those eligible claimants for whom RECA was enacted.

I ask unanimous consent 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. 898

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

SECTION 1. RADIATION EXPOSURE COMPENSATION TECHNICAL AMENDMENTS.

(a) IN GENERAL.—The Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in section 4(b)(1)(C), by inserting '', and that part of Arizona that is north of the Grand Canyon'' after ''Gila'';

(2) in section 4(b)(2)—

(A) by striking ''lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),''; and

(B) by striking ''or liver (except if cirrhosis or hepatitis B is indicated).'' and inserting ''liver (except if cirrhosis or hepatitis B is indicated), or lung.'';

(3) in section 5(a)(1)(A)(ii)(I), by inserting ''or worked for at least 1 year during the period described under clause (i)'' after ''months of radiation'';

(4) in section 5(a)(2)(A), by striking ''an Atomic Energy Commission'' and inserting ''a'';

(5) in section 5(b)(5), by striking ''or lung cancer'';

(6) in section 5(c)(1)(B)(i), by striking ''or lung cancer'';

(7) in section 5(c)(2)(B)(i), by striking ''or lung cancer'';

(8) in section 6(e)—

(A) by striking ''The'' and inserting ''Except as otherwise authorized by law, the''; and

(B) by inserting '', mill, or while employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill'' after ''radiation in a uranium mine'';

(9) in section 6(i), by striking the second sentence;

(10) in section 6(j), by adding at the end the following: ''Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000, the Attorney General shall issue revised regulations to carry out this Act.'';

(11) in section 6, by adding at the end the following:

''(m) SUBSTANTIATION BY AFFIDAVITS.—

''(1) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under this section provide that a substantiation may be made by an individual filing a claim under those procedures by means of an affidavit described under paragraph (2), in addition to any other material that may be used to substantiate—

''(A) employment history for purposes of determining working level months; or

''(B) the residence of an individual filing a claim under section 4.

''(2) AFFIDAVITS.—An affidavit referred to under paragraph (1) is an affidavit that—

''(A) meets such requirements as the Attorney General may establish; and

''(B) is made by a person other than the individual filing the claim that attests to the employment history or residence of the claimant.'';

(12) in section 7, by amending subsection (b) to read as follows:

''(b) CHOICE OF REMEDIES.—No individual may receive more than 1 payment under this Act.''; and

(13) by adding at the end the following:

''SEC. 14. GAO REPORTS.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Radiation Exposure Compensation Act Amendments of 2000, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of this Act by the Department of Justice.

''(b) CONTENTS.—Each report submitted under this section shall include an analysis of—

''(1) claims, awards, and administrative costs under this Act; and

''(2) the budget of the Department of Justice relating to this Act.''.

(b) CONFORMING AMENDMENTS.—Section 3 of the Radiation Exposure Compensation Act Amendments of 2000 (Public Law 106–245) is amended by striking subsections (e) and (i).

SEC. 2. COMPENSATION FOR CERTAIN CLAIMANTS UNDER THE RADIATION EXPOSURE COMPENSATION ACT.

(a) IN GENERAL.—Section 3630 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as enacted into law by Public Law 106–398, is amended to read as follows:

''SEC. 3630. SEPARATE TREATMENT OF CERTAIN CLAIMANTS UNDER THE RADIATION EXPOSURE COMPENSATION ACT.

''(a) COMPENSATION PROVIDED.—An individual who receives, or has received, a payment under section 4 or 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for a claim made under that Act (in this section referred to as a 'covered individual'), or the survivor of that covered individual if the individual is deceased, shall receive compensation under this section in the amount of $50,000.

''(b) MEDICAL BENEFITS.—A covered individual shall receive medical benefits under section 3629 for the illness for which that individual received a payment under section 4 or 5 of that Act.

''(c) COORDINATION WITH RECA.—The compensation and benefits provided in subsections (a) and (b) are separate from any compensation or benefits provided under that Act.

''(d) PAYMENT FROM COMPENSATION FUND.—The compensation provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

''(e) SURVIVORS.—(1) Subject to the provisions of this section, if a covered individual dies before the effective date specified in subsection (g), whether or not the death is a result of the illness specified in subsection (b), a survivor of that individual may, on behalf of that survivor and any other survivors of that individual, receive the compensation provided for under this section.

''(2) The right to receive compensation under this section shall be afforded to survivors in the same order of precedence as that set forth in section 8109 of title 5, United States Code.

''(f) PROCEDURES REQUIRED.—The President shall establish procedures to identify and notify each covered individual, or the survivor of that covered individual if that individual is deceased, of the availability of compensation and benefits under this section.

''(g) EFFECTIVE DATE.—This section shall take effect on July 31, 2001, unless Congress provides otherwise in an Act enacted before that date.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for the Energy Employees Occupational Illness Compensation Program Act of 2000 is amended by striking the item relating to section 3630 and inserting the following:

''Sec. 3630. Separate treatment of certain claimants under the Radiation Exposure Compensation Act.''.

(2) Section 3641 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as enacted into law by Public Law 106–398, is amended—

(A) by striking ''covered uranium employee'' and inserting ''covered individual''; and

(B) by adding at the end the following: ''Nothing in this section shall be construed to offset any payment of compensation under section 3630 and any payment under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).''.

SEC. 3. ATTORNEY FEES.

Section 3648(b)(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as enacted into law by Public Law 106–398, is amended to read as follows:

''(2) 10 percent with respect to—

''(A) any claim with respect to which a representative has made a contract for services before the date of enactment of this Act; or

''(B) a resubmission of a denied claim.''.

SEC. 4. RADIATION EXPOSURE COMPENSATION.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in the subsection heading by striking the first 2 words and inserting ''INDEFINITE''; and

(2) by striking ''authorized to be''.

SEC. 5. REPORTS BY THE NATIONAL RESEARCH COUNCIL.

(a) CONTRACT FOR REPORTS.—Not later than 60 days after the date of enactment of this Act, the Attorney General of the United States shall enter into a contract with the National Research Council to submit reports in accordance with subsection (b).

(c) REPORTS.—Not later than December 31, 2002, and not later than December 31 of each year thereafter through 2010, the National Research Council shall submit a report, in accordance with the contract entered into under subsection (a), to Congress that—

(1) reviews the most recent scientific information relating to radiation exposure and related cancers; and

(2) makes any recommendation to—

(A) reduce the length of radiation exposure requirements; or

(B) include types of cancer or classes of individuals to be covered by the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $600,000 for fiscal year 2001; and

(2) such sums as may be necessary for fiscal years 2001 through 2011.

Mr. DOMENICI. Mr. President, I rise today, with Senator HATCH, to introduce the Radiation Exposure Compensation Technical Amendments and Refinement Act. These technical amendments are needed because the RECA amendments we passed in 2000 inadvertently eliminated some claimants previously eligible for compensation and made it more difficult for other claimants to prove eligibility.

These technical amendments are very important, but perhaps more importantly this bill provides mandatory funding for the now-bankrupt RECA Trust Fund. For over a year now, eligible claimants have been receiving nothing more than a five-line IOU from the Justice Department. This is an injustice I never imagined when I authored the Radiation Exposure Compensation Act in 1990—an injustice that can and must be rectified through this bill.

RECA was designed to compensate our nation's uranium mine workers who became afflicted with debilitating and too often deadly radiation-related diseases. These men helped build our nuclear arsenal—the arsenal that is, at least in part, responsible for ending the

cold war. We must not let their sacrifice go unanswered.

These miners and their families lived under tough conditions. Some lived in one-room houses located as close as 200 feet from the mine shafts. Their children played near the mines and their families drank underground water that exposed them to radiation. These miners faced long, uncomfortable days many feet underground.

Many of those uranium miners from New Mexico who endured these conditions were Native Americans from the Najavo Nation. To this group of victims, our government owes a special duty of care based on a longstanding trust relationship formed by treaties and agreements.

Mr. President, the Najavos and all the uranium miners performed a special service for our nation, and our nation owes them a special obligation. An obligation that it has twice failed to keep.

Strike one: The government had adequate warning about the radiation hazards of uranium mining, and yet federal mine safety standards were not fully implemented until 1971. Thus, prior to 1971, the miners were sent into inadequately ventilated mines with virtually no warning regarding the dangers of radiation.

Strike two: The government has failed to keep the program fully funded. Frankly, this is unconscionable. Those who helped protect our nation's security must be compensated for their suffering. Anything less is unacceptable.

Mr. President, our legislation today would ensure that the government does not strike out. These men served our nation well, and it is time for this nation to serve them well.

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. ALLEN):

S. 899. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Frances Collender Public Safety Officers' Benefit Improvement Act of the year 2001.

At around 6 a.m. on February 6 of this year, Corporal Frances Collender of the Delaware State Police pulled her cruiser behind a van that had been disabled by an accident on Route 1 in Odessa, DE. Tragically, Corporal Collender was struck and killed by another driver just as she was assisting the disabled motorist. There was a little bit of snow on the ground.

Corporal Collender was not only a beloved mother and daughter, she was also beloved by her entire troop and by the State Police. This was a woman who, after having started another career, went back and decided to become a public safety officer and joined the elite of the Delaware State Police. She was sort of the mother figure of these folks who were a lot younger than she. She was a leader. She was a corporal, but in many ways she was the captain. She was the one to whom everybody looked.

Everything and anything that was good that was being sponsored by police organizations in our State—she was not atypical in that sense—she was involved in. She was always one who not only refused to shirk her duty but took on additional responsibilities.

She did not have to respond to this call. She was about to get off, but she responded—it was typical of her—to keep someone else from having to come out. She was ''nearby,'' so she responded. And she has passed away. She volunteered, as she always did, and, in doing so, maybe saved somebody else's life but lost her own.

This week, with thousands of law enforcement officers, survivors, and family members gathered in the Nation's Capital for National Police Week, we listened to the President of the United States, as we have other Presidents. We listened as the rollcall was called of all fallen officers nationwide in the calendar year 2000. Until you attend an event such as this, as I am sure my colleagues have, it doesn't—how can I say this?—it doesn't sink in, just how incredible these officers are, just what incredible chances they take for us, and just how many lose their life in doing so.

Corporal Collender had two beautiful daughters, one of whom has become my buddy. She is 17 years old; she is smart; she is beautiful; she is engaged. She lives with her grandmom and grandpop who, if you knew them—especially grandmom—you would understand, without knowing Corporal Collender, that she is everything I said she is.

It seems to me we have to do more than pay our respects once a year to these families for the sacrifices they have made on our behalf. I was involved with a group, years ago, that decided although it is technically not a Federal responsibility, we should provide a death benefit to fallen and slain officers. What I am suggesting today is that a death benefit is not sufficient. It was set years ago. Although it has increased with inflation, it is below what I think is a realistic need of the average first responder's salary.

This will cover first responders including firefighters. If you think about it, there are very few people in law enforcement—none goes into it because they think they are going to make a lot of money, and very few in law enforcement come from families who have trusts or endowments or inheritances that are left. They are working-class people, almost all these days college educated. But they make a decision because of their sense of duty, their sense of honor, and their sense of just wanting to take on difficult tasks. When they die, their families are left in a very difficult circumstance.

I need not tell anyone in here that a $150,000 death benefit—which is what the original death benefit is up to now because of inflation—is insufficient. It is not going to pay even for the college costs of one of Corporal Collender's daughters, if she goes to a private institution, by the time they get there. It will not even pay for the college costs of her younger daughter if she goes to my alma mater, the State University of Delaware.

So I think it is time, particularly in this period of incredible surplus we are talking about, when we can decide that the inheritance tax should be eliminated for billionaires, when we decide we are going to give hundreds of thousands of dollars in tax breaks to people who make over a million bucks and up, that we ought to be able to, for the relative handful, thank God—we are talking hundreds now, not talking thousands—we ought to be able to raise the death benefit for those who give their lives to make us safer.

Since 1972 with the shooting of a New York deputy sheriff, over 15,000 public safety officers have been killed in the line of duty; 30 officers from my State. Thirty from my little State have paid the ultimate price, with Corporal Collender being the most recent loss. This past Sunday, 313 names were added to the National Law Enforcement Officers Memorial. Yesterday, as I said, families paid tribute to those fallen officers by laying a wreath at the National Peace Officers Memorial Service. I was there. The President paid tribute to Corporal Collender and her family and to the families of all officers who were lost.

There are too many—there are too many—line-of-duty deaths each year, and for too long our response to their families just hasn't been enough.

The Justice Department runs the Public Safety Officers' Benefits program, an initiative begun 25 years ago to make one-time payments to assist public safety officers and their families when they become disabled, or lose their lives, in the line of duty.

For the first 12 years of its existence the Public Safety Officers' Benefits Program issued $50,000 payments to qualifying officers and their families.

In 1988, we recognized this figure was inadequate both to express the gratitude of a grateful nation and to try to put these families on sound financial footing. So 13 years ago we raised the payment to $100,000 and indexed it for inflation. This year the program began at $151,000.

Last year, 181 claims were paid, and the Public Safety Offices' Benefits program has successfully helped disabled officers, their families, and the families of those officers killed in the line of duty put their lives back together.

It is time to take another look at the Public Safety Officers' Benefits program. Recently, the other body approved legislation that would increase to $250,000 the maximum death benefits for families of military personnel killed in the line of duty. We should do the same thing for the families of slain

public safety officers, including firefighters.

So today I am introducing the Frances Collender Public Safety Officers' Benefits Improvement Act, legislation that will increase the payment under the Public Safety Officers' Benefits Program from $100,000 to $250,000. Payments will continue to be indexed for inflation. We have not adjusted the payment under this program for almost 15 years, and the families of those who have paid the ultimate price deserve some more help than they are getting.

I have raised this issue with my good friend and chairman of the Judiciary Committee, Senator HATCH. He has indicated he may very well want to join as an original cosponsor of the bill. I have not been able to get in touch with him this morning, so I have not added his name. The reason I am introducing the bill now is because the afternoon will get so busy and I may not have an opportunity to speak to the introduction of this legislation. If my friend from Utah decides to join me on this bill, as I hope he will, I am prepared to rename this act in the name of both Frances Collender and a slain Utah police officer that my friend from Utah would like to add to this legislation. I would be happy to do that if he decides and wishes to join me.

During Police Week, while the Collenders and other heroic families of public safety officers are in Washington to pay tribute, let's show our gratitude as well, beyond our sympathy. Washington can pay tribute. They can pay tribute by us voting and agreeing to increase this death benefit. It is the least Congress can do to express our gratitude to the peace officers for all they have done. If we cannot afford it now, we can never afford it. I do not see how we can afford not to do this for the public safety officers of this Nation.

I thank the Chair. I thank the family of Frances Collender for their bravery because it is sometimes much harder to be in the waiting room than the operating room. Sometimes it is much harder to be at the grave site than being the one buried, I suspect. They have shown great class. They have shown great resolve. And the one thing all of us who deal with law enforcement and firefighters know, they never forget their own. Although those two beautiful young girls of Frances Collender do not have their mother, they have inherited, for as long as they live, the entire police force of the State of Delaware, who, for real—it is not hyperbole—will be there for them, whether they ever knew their mother or not, until the day they die. It is part of the tradition, it is part of the honor, and it is part of our responsibility as well.

I thank the Chair.

Mr. REID. Will the Senator yield?

Mr. BIDEN. I am happy to yield.

Mr. REID. I say to the Senator from Delaware, the people of Nevada and people all over the country should be grateful to the Senator from Delaware, as they are any time they realize there are fewer slain police officers as a result of the work done by the Senator from Delaware in giving us the COPS Program, putting tens of thousands of new police officers all over America on the streets, so there are fewer slain police officers, so there is less crime.

I, of course, did not know Frances Collender. The Senator, from Delaware as usual, is very articulate in explaining the importance of this woman to the State of Delaware. But as important as she is to the State of Delaware, the Senator from Delaware is important to the country for the work he has done. In Nevada, it has made a difference. Having additional police officers on the street has been a big benefit. We have less crime in Nevada and around the country. Statistics, by any way you look at them, have proven that.

So on behalf of the people in Nevada, and on behalf of the people of this country, I extend our appreciation to the Senator from Delaware for his undying efforts to make sure we have more police officers on the streets. Without the Senator from Delaware, it would not have happened.

Mr. BIDEN. Mr. President, I thank the Senator. As usual, he is generous and gracious. He is, as everyone on both sides knows, one of the most gracious men who serves in this body. He is a gentleman with a backbone like a ramrod. I take his comments to heart because I believe he means them. It means a lot to me that he does.

There are few things I have done in my 28-year career in the Senate that I believe has been more worthwhile, and that I am more proud of, than working with the law enforcement agencies of this country, getting them from 500,000 to over 600,000 in local law enforcement agencies.

I appreciate the sentiments expressed by my friend. I add, he was there every step of the way, voting for it, adding amendments, pushing it. I know he will be with me as we try to, quite frankly, prevent the President of the United States from eliminating that program. I am sure the President cares deeply about the safety of law enforcement officers in the country. I hope we can get his attention, to convince him that cutting the COPS Program in this upcoming budget is a mistake. I think once he focuses on that, we have a shot of doing that.

But, again, I thank my friend from Nevada. He is a real gentleman and a good friend. And I thank the Presiding Officer for listening. One of the things—I should not say this—I like best about the present occupant of the chair is, whenever I stand to speak in this Chamber—I am sure he does it for everybody—he looks and listens and acts as if he is paying attention, and it makes a big difference. He is not signing his mail. I know I am not supposed to say that, but I am going to say it anyway because I appreciate his courtesy, speaking of a gentleman.

I thank you all and yield the floor.

By Mrs. BOXER:

S. 901. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on the outer Continental Shelf seaward of a coastal State that has declared a moratorium on mineral exploration, development, or production activity in State water; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing the Coastal States Protection Act, which is intended to protect our Nation's fragile coastlines from the detrimental environmental impacts of offshore oil and gas development. Chronic leakage associated with normal oil and gas operations, as well as catastrophic spills such as the horrific Santa Barbara spill in 1969, irreparably contaminate the ocean floor, tidelands, and beaches.

In California, there is strong and enduring public support for the protection of our oceans and coastlines. My State decided that the potential benefits that might be derived from future offshore oil and gas development were not worth the risk of destroying our priceless coastal treasures. To ensure that our beaches remain pristine and our waters clear, California passed legislation permanently prohibiting oil and gas exploration in State waters. Unfortunately, the State only has jurisdiction over the territory that extends three nautical miles out from shore.

Federal waters off the coast of California, which extend beyond State waters to 200 nautical miles out, have received several forms of temporary protection from additional offshore oil and gas development. Since 1982, Congress has approved successive 1-year leasing and drilling moratoria that have provided protection for U.S. waters. In 1998, President Clinton issued a 10-year ban on Outer Continental Shelf activity off the coast of California. We now face, however, mounting pressures to explore new sources of domestic oil and gas.

My bill provides permanent protection by ensuring that no mineral leasing can occur on the Outer Continental Shelf in Federal waters where the State has placed a moratorium on mineral exploration, development, or production activity in adjacent States waters. Thus, this bill guarantees that the wishes of a State are reflected in the management decisions made regarding associated Federal waters.

This legislation is similar to bills I introduced in the 104th, 105th, and 106th Congress. Several officials in the new administration have expressed strong support for State and local decision-making, so I am hopeful that they will join me in supporting this legislation.

This bill will make an important and lasting contribution to the protection of our Nation's coastlines.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. SESSIONS, and Mr. SMITH of New Hampshire):

S. 902. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce legislation to close a long-standing loophole in our Nation's labor laws, and help stop union violence in America. The bill would make clear that violence conducted in the course of a strike is illegal under the Federal extortion law, the Hobbs Act. I am pleased to have Chairman HATCH and others join me in introducing this important measure.

Violence has no place in our society. As I have said many times before, I would, if it were in my power to do so, put an absolute stop to the disruption of commerce in this country by intimidation and violence, whatever its source.

Unfortunately, corrupt union officials have often been the source of such violence. Encouraged by their special Federal exemption from prosecution, corrupt union officials have routinely used intimidation and violence over the years to achieve their goals. Since 1975, the Institute for Labor Relations Research has documented over 9,000 reported incidents of union violence in America. A major study entitled ''Union Violence: The Record and the Response by Courts, Legislatures, and the NLRB,'' which was updated and republished in 1999 by the John M. Olin Institute at George Mason University, discusses the problem and trends in union violence in detail. This updated study shows that while union membership and the total number of strikes has decreased in recent decades, the number of reported incidents of violence per strike has actually increased. It is clear that union violence remains a serious issue facing our Nation today.

Let me make clear that I agree that the Federal Government should not get involved in minor, isolated physical altercations and vandalism that are bound to occur during a labor dispute when emotions are charged. Action such as this is not significant to commerce. However, when union violence moves beyond this and becomes a pattern of coordinated violent activity, the Federal Government should be empowered to act. State and local governments sometimes fail to provide an effective remedy, whether because of a lack of will, a lack of resources, or an inability to focus on the interstate nature of the conduct. It is during these times that Federal involvement is needed.

Let me also note that this legislation has never been an effort to involve the Federal Government in a matter that traditionally has been reserved for the states. Labor relations are regulated on a national basis, and labor management policies are national policies. There is no reason to keep the Federal Government out of serious labor violence that is intended to achieve labor objectives.

Indeed, the Congress intended for the Hobbs Act to apply to the conduct we are addressing in this legislation today. The decision to keep the Federal Government out was not made by the Congress. Rather, it was made by the Supreme Court in the United States versus Enmons decision in 1973, when the Supreme Court found that the Hobbs Act did not apply to a lawful strike, as long as the purpose of the strike was to achieve ''legitimate labor objectives,'' such as higher wages. Such an exception does not exist in the words of the statute. The Court could only create this loophole through a strained interpretation of the law. In his dissent, Justice Douglas aptly criticized the majority for, ''achieving by interpretation what those who were opposed to the Hobbs Act were unable to get Congress to do.''

The Enmons decision is an unfortunate example of judicial activism, of a court interpreting a statute to reach the policy result the court favors rather than the one the legislature intended. This is a problem that has concerned many of us in the Senate for many years. We have held numerous hearings on this matter in the Judiciary Committee since the Enmons decision. We must continue to focus on this serious problem until it is solved.

It is time we closed the loophole on union violence in America.

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. 902

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 ''Freedom From Union Violence Act of 2001''.

SEC. 2. INTERFERENCE WITH COMMERCE BY THREATS OR VIOLENCE.

Section 1951 of title 18, United States Code, is amended to read as follows:

''§ 1951. Interference with commerce by threats or violence

''(a) PROHIBITION.—Except as provided in subsection (c), whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion, or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section, shall be fined not more than $100,000, imprisoned for a term of not more than 20 years, or both.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'commerce' means any—

''(A) commerce within the District of Columbia, or any territory or possession of the United States;

''(B) commerce between any point in a State, territory, possession, or the District of Columbia and any point outside thereof;

''(C) commerce between points within the same State through any place outside that State; and

''(D) other commerce over which the United States has jurisdiction;

''(2) the term 'extortion' means the obtaining of property from any person, with the consent of that person, if that consent is induced—

''(A) by actual or threatened use of force or violence, or fear thereof;

''(B) by wrongful use of fear not involving force or violence; or

''(C) under color of official right;

''(3) the term 'labor dispute' has the same meaning as in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9)); and

''(4) the term 'robbery' means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his or her will, by means of actual or threatened force or violence, or fear of injury, immediate or future—

''(A) to his or her person or property, or property in his or her custody or possession; or

''(B) to the person or property of a relative or member of his or her family, or of anyone in his or her company at the time of the taking or obtaining.

''(c) EXEMPTED CONDUCT.—

''(1) IN GENERAL.—Subsection (a) does not apply to any conduct that—

''(A) is incidental to otherwise peaceful picketing during the course of a labor dispute;

''(B) consists solely of minor bodily injury, or minor damage to property, or threat or fear of such minor injury or damage; and

''(C) is not part of a pattern of violent conduct or of coordinated violent activity.

''(2) STATE AND LOCAL JURISDICTION.—Any violation of this section that involves any conduct described in paragraph (1) shall be subject to prosecution only by the appropriate State and local authorities.

''(d) EFFECT ON OTHER LAW.—Nothing in this section shall be construed—

''(1) to repeal, amend, or otherwise affect—

''(A) section 6 of the Clayton Act (15 U.S.C. 17);

''(B) section 20 of the Clayton Act (29 U.S.C. 52);

''(C) any provision of the Norris-LaGuardia Act (29 U.S.C. 101 et seq.);

''(D) any provision of the National Labor Relations Act (29 U.S.C. 151 et seq.); or

''(E) any provision of the Railway Labor Act (45 U.S.C. 151 et seq.); or

''(2) to preclude Federal jurisdiction over any violation of this section, on the basis that the conduct at issue—

''(A) is also a violation of State or local law; or

''(B) occurred during the course of a labor dispute or in pursuit of a legitimate business or labor objective.''.

By Mr. ALLARD:

S. 903. A bill to amend the Cache La Poudre River Corridor Act to make technical amendments; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, today I am introducing the Cache La Poudre River Corridor Technical Amendments Act of 2001.

When former Senator Hank Brown and I decided to sponsor the Cache La Poudre River Corridor Act, Public Law 104–323, it was only after we held numerous meetings with the affected individuals, groups and governmental entities to determine how best to protect the area. The result was a delicate compromise bill to which all parties agreed.

The purpose of the Act was to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin for special use. It is to provide for an educational and inspirational benefit to both present and future generations, as well as provide unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

The Act also established the Cache La Poudre Corridor Commission to consult with public officials and conduct public hearings on how to administer the corridor consistent with the purpose of the Act. The make-up of the Commission was to represent the affected counties and interested parties.

However, due to drafting errors and conflicting interpretations of the appointment process for the Commission, local communities and the Department of the Interior have been unable to proceed with implementing the Act.

To correct these errors, my colleague Congressman BOB SCHAFFER and I are introducing the Cache La Poudre River Corridor Technical Amendments Act of 2001. These changes will allow the Cache La Poudre River Corridor Act to be fully implemented.

These corrections will address several non-controversial provisions of the original law, which include correcting references to affected counties and clarifying duties of the commission. I hope that Congress will move quicky and act on the Cache La Poudre River Technical Corrections Amendments Act.

I thank my colleagues for their consideration of this matter.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, Mr. COCHRAN, Mr. ALLEN, and Mr. HATCH):

S. 904. A bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials; to the Committee on Finance.

Mr. WARNER. Mr. President, just last week, on May 8, 2001, the Senate overwhelmingly passed an amendment that I offered to the education bill currently on the floor. This amendment, which passed by a vote of 95–3, stated:

> The Senate should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

At that time, both Senator COLLINS and I were pursuing the same goal, obtaining much needed tax relief for our teachers. However, despite sharing the same goal, we each had our own bill and each had our own approach towards achieving this shared goal.

Senator COLLINS has truly been a leader on this issue. I commend her for her work in highlighting this issue and for her tireless efforts to improve education in this country.

I am so glad that Senator COLLINS and I had the opportunity to sit down and discuss teacher tax relief legislation in greater detail. As a result of these discussions, we have joined forces and agreed on an approach to achieve our shared goal.

Today, I am honored to be joining Senator COLLINS in introducing the Teacher Tax Relief Act.

This Collins/Warner bill is cosponsored by Senators LANDRIEU, COCHRAN, and ALLEN. We will be offering this bill as an amendment to the tax reconciliation bill that will be on the Senate floor tomorrow.

The Collins/Warner Teacher Tax Relief Act has two components.

First, the legislation provides a $250 tax credit to teachers for classroom supplies. This credit recognizes that our teachers dip into their own pocket in significant amounts to bring supplies into the classroom to better the education of our children.

Second, this legislation provides a $500 above the line deduction for professional development costs that teachers incur. This deduction will particularly help low-income school districts that typically do not have the finances to pay for professional development costs for their teaches.

Our teachers in this country are overworked, underpaid, and all too often, under-appreciated. In addition, they spend significant money out of their own pocket to better the education of our children.

These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

While the primary responsibility rests with the states, I believe the Federal Government can and should play a role in helping to alleviate the nation's teaching shortage.

On a Federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by providing tax relief to teachers for the costs that they incur as part of the profession. This incentive will help financially strapped urban and rural school systems as they recruit new teachers and struggle to keep those teachers that are currently in the system.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. While many people spend their lives building careers, our teachers spend their careers building lives.

The Teacher Tax Relief Act goes a long way towards providing our teachers with the recognition they deserve by providing teachers with important and much needed tax relief.

It is important to note that providing a specific profession with tax relief is not without precedent. Title 26, United States Code, Section 62(a) allows an above the line deduction to performing artists in connection with their performances.

I believe teachers in this country deserve similar treatment under the tax code. I look forward to a vote on the teacher Tax Relief Act in the next few days.

Ms. COLLINS. Mr. President, I rise this evening, along with my good friend, the distinguished senior Senator from Virginia, Mr. WARNER, to introduce the Teacher Tax Relief Act of 2001. We are very pleased to be joined by the Presiding Officer, the Senator from Virginia, Mr. ALLEN, and Senators COCHRAN and LANDRIEU, as original cosponsors of our legislation. All of these Senators are strong advocates for education and for our Nation's teachers.

It would be difficult to script a more appropriate time for us to introduce this important legislation. We stand now at the summit of an education debate that began over 2 weeks ago. At the same time, we anticipate a major tax relief bill to which we will turn our attention as early as tomorrow.

Our bill is related to both. It is both sound education policy and sensible tax policy. We plan on offering it as an amendment to the tax bill as soon as feasible on the Senate floor.

For that reason, Senator WARNER and I wanted to take advantage of this time this evening to talk a little bit about our bill and the ensuing amendment. In the midst of the education and tax debates, we are asking the Senate not to overlook the selfless efforts of our teachers and the many financial sacrifices they make to improve their instructional skills and the classrooms where they teach. Senator WARNER deserves tremendous credit for focusing our attention, through a sense-of-the-Senate amendment to the education bill, on the need to provide tax relief for our Nation's teachers.

Our teachers serve such a critical role in the education and development of our children. In fact, study after study demonstrates that other than involved parents, a high-quality, dedicated teacher is the single most important prerequisite for student success.

The amendment which Senator WARNER offered earlier this past week, and which I was proud to cosponsor, expressed the sense of the Senate that Congress should pass legislation providing teachers with tax relief in recognition of the many out-of-pocket expenses, unreimbursed expenses they incur to improve the education of our children. The bill we introduce today is legislation very similar to Senator WARNER's amendment which was adopted by the Senate by a vote of 95–3.

The bill we introduce today is targeted to support the expenditures of teachers who strive for excellence beyond the constraints of what their schools can provide.

Earlier this year, Senator WARNER, Senator HATCH, and I each introduced

our own version of our teacher tax relief bills. Last year Senator KYL and I teamed up in a similar way. We have now all come together behind the Teacher Tax Relief Act of 2001, which enjoys bipartisan support from our colleagues as well as the endorsement of the National Education Association.

Our bill has two major provisions. First, it will allow teachers, teachers' aides, principals, and counselors to take an above-the-line deduction for their professional development expenses. I have talked with teachers in Maine who have financed continuing education courses at the master's and doctoral level as well as seminars out of their pocket. They then came back to their schools and shared their knowledge with their colleagues, and that additional course work has made them better teachers.

Some school districts reimburse for those kinds of professional development expenses. It would be great if they all did. But some school districts simply don't have the resources to help teachers who are striving to improve their skills.

What our bill will do is help those teachers who are financing those educational expenses out of their own pockets by giving them an above-the-line tax deduction.

The second provision of our bill will grant educators a tax credit of up to $250 for books, supplies, and equipment they purchase for their students. The tax credit would be set at 50 percent of such expenditures so that teachers would receive 50 cents of tax relief for every dollar of their own money they spend for supplies for their classroom.

It is remarkable how much the average teacher spends every year out of his or her own pocket to buy supplies and other materials for their students. According to a study by the National Education Association, the average public school teacher spends more than $400 annually on classroom materials.

Just recently, I met with Idella Harter, president of the Maine Education Association. She told me of the books, rewards for student behavior, and other materials she routinely purchases for her classroom. One year Idella decided to save her receipts to see how much she actually was spending. She said she started adding up the receipts and was startled to discover they totaled over $1,000. When they got that high, she decided to stop counting. But she continues to this day to purchase supplies and materials for her students.

When you think that the average teacher is not particularly well paid, it speaks volumes about their dedication that they are willing to make that kind of investment to improve the teaching for their students.

Idella is not alone. Maureen Marshall, who handles education issues for me in my office, taught public school for several years in Hawaii and Virginia. In her first year as a teacher, she, too, spent more than $1,000 of her own money on educational software, books, pocket charts to assist with language arts instruction, and other materials. Because of her tax situation, she could not deduct any of these expenses from her taxable income.

The ultimate beneficiaries of efforts to provide financial assistance to our teachers are our students. Our bill provides tax relief for up to $1,000 spent out of pocket by teachers for professional development and for supplies. These are teachers who are going the extra mile for our children, for our students.

Our bill makes it a priority to reimburse educators for just a small part of what they invest in our children's future.

I hope our colleagues will join us in support of this important initiative. I hope they will join us in a resounding vote when Senator WARNER and I offer this proposal as an amendment to the upcoming tax bill.

By Mr. HARKIN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Mr. REID, Mr. JOHNSON, and Mr. LEVIN):

S. 905. A bill to provide incentives for school construction, and for other purposes, to the Committee on Finance.

Mr. KERRY. Mr. President, I am pleased to introduce legislation today with my good friend and colleague from Iowa, Senator HARKIN, to deal with the issue of overcrowded and dilapidated schools. In March I offered an amendment in the Senate Finance Committee that was very similar to the legislation that we are introducing today. I am sorry that the amendment failed on a 10–10 vote in the Committee, but I am hopeful that we can come together to find a way to pass school construction legislation during this Congress.

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 nine 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.

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.

The America's Better Classroom Act, is similar to legislation introduced in the House by Congressman RANGEL and Congresswoman JOHNSON that has 158 cosponsors. Our legislation allows the Federal government to issue $24.8 billion in school modernization bonds through a formula-based allocation to states and through expansion of the Qualified Zone Academy Bond, QZAB, program. The bill also includes a $200 million set-aside for Bureau of Indian Affairs schools for two years to help school replacement projects at schools funded or run by the Bureau of Indian Affairs.

Our bill would allocate 60 percent of $22 billion in bonds to states based on school-aged population. The remaining 40 percent of the bond revenue would be directly allocated to the 125 school districts with the largest number of low-income students based on ESEA Title I funding.

States and local school districts are investing in school construction, but it is clear that 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.

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.

I am very pleased to be introducing this legislation today with Senator HARKIN, and 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.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 90—DESIGNATING JUNE 3, 2001, AS ''NATIONAL CHILD'S DAY''

Mr. GRAHAM (for himself, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MCCAIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary

S. RES. 90

Whereas June 3, 2001, the first Sunday of June, falls between Mother's Day and Father's Day;

Whereas each child is unique, is a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce about their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of their developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate our children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 3, 2001, as ''National Child's Day''; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. GRAHAM. Mr. President, I rise today to introduce a resolution that designates June 3, 2001, as National Child's Day.

National Child's Day celebrates the children of this country, recognizing them as one of our nation's most valuable resources, a resource that should be cherished and protected. Too often, we tell the world that children are our future, and yet our actions do not always convey our belief in the statement. Children are often made to feel that their challenges, concerns, and ideas are not valid. National Child's Day shows the children of our country that we recognize the value of each of our children and the contributions they make to this great nation.

It is important therefore, that we establish a day of national admiration. This simple, yet important, resolution will ensure that our children receive the message of love, support, and encouragement they deserve.

Nearly 5 million children return to an empty home after school each week while their parents work because most communities lack adequate after-school programs. These children are more likely to engage in a host of risky behaviors that threaten their future.

Many children face crisis of grave proportions. Sadly, over 5 million American children go to bed hungry at night. There has been an increase in the number of children in or in need of foster care services. Our children deserve more, and we must make a commitment to reverse these trends. When we fail to invest in our children, we fail to invest in our country.

National Child's Day focuses on children's accomplishments and addresses their needs. The establishment of a National Child's Day will encourage families to spend more quality time together and will highlight the special importance of the child in the family unit.

I urge my colleagues to join me in establishing June 3, 2001, as National Child's Day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 649. Mr. ENZI (for himself, Ms. SNOWE, Mr. HAGEL, and Mr. DEWINE) proposed an amendment to amendment SA 358 submitted

by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) extend programs and activities under the Elementary and Secondary Education Act of 1965.

TEXT OF AMENDMENTS

SA 649. Mr. ENZI (for himself, Ms. SNOWE, Mr. HAGEL, and Mr. DEWINE) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

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

SEC. ___. FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.

Title IX, as added by section 901, is amended by adding at the end the following:

"PART B—SCHOOL RENOVATION PRIORITIES

"SEC. 9201. GENERALLY APPLICABLE PROVISIONS.

''(a) REQUIREMENT RELATING TO FUNDING OF CERTAIN SCHOOLS.—

''(1) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act) and except as provided in section 9202(e)(1), in administering any Federal program to provide assistance for school construction, renovation, or repair the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to apply to school construction bond programs or school renovation bond programs.

''(b) TARGETING OF CERTAIN SCHOOLS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of law (including the provisions of this Act), amounts made available under any Federal program to provide assistance for school construction, renovation, or repair for a fiscal year and remaining available after the requirement of subsection (a) has been complied with and after amounts have been made available under section 9202(e)(1), shall be made available—

''(A) for qualified public school facility construction projects described in paragraph (2); and

''(B) to local educational agencies in States described in paragraph (3) for the renovation and construction of public education facilities in grades kindergarten through grade 12.

''(2) QUALIFIED PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT.—In paragraph (1)(A), the term 'qualified public school facility construction project' means a construction project selected by the State with respect to a public school facility—

''(A) 50 percent of the enrollment population of which is from families whose income does not exceed the poverty level, as determined by annual census data published by the Department of Labor;

''(B) that is located in a district in which the district bonded indebtedness or the indebtedness authorized by the district electorate and payable from general property tax levies of the districts within the agency's jurisdiction has reached or exceeded 90 percent of the debt limitation imposed upon school districts pursuant to State law;

''(C) with respect to which the local educational agency has made its best effort to maintain the existing facility; and

''(D) that is among the neediest 10 percent of all public elementary and secondary school facilities in the State, as determined by the State.

''(3) STATE ELIGIBILITY.—

''(A) IN GENERAL.—A State described in this paragraph shall be deemed an eligible State in which local educational agencies may receive grants for school renovation and construction if the State is appropriately participating in the renovation and construction of public education facilities in grades kindergarten through grade 12, as determined by the State. The State shall demonstrate that it has an operational plan to meet such an obligation.

''(B) RULE OF CONSTRUCTION.—In the case of a State with a school financing law separate from the State's education facilities capital construction plan, nothing in subparagraph (A) shall be construed as affecting the application of such financing law or the eligibility of such a State to receive a grant under this section.

''(4) FEDERAL SHARE.—The Federal share of the cost of any project funded under subparagraphs (A) and (B) of paragraph (1) shall not exceed 50 percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

"SEC. 9202. REVOLVING LOAN PROGRAM

''(a) DEFINITIONS.—In this section:

''(1) BOND.—The term 'bond' includes any obligation.

''(2) GOVERNOR.—The term 'Governor' includes the chief executive officer of a State.

''(3) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include—

''(A) any stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public; or

''(B) any facility that is not owned by a State or local government or any agency or instrumentality of a State or local government.

''(4) QUALIFIED SCHOOL CONSTRUCTION BOND.—The term 'qualified school construction bond' means any bond (or portion of a bond) issued as part of an issue if—

''(A) 95 percent or more of the proceeds attributable to such bond (or portion) are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds;

''(B) the bond is issued by a State, regional, or local entity, with bonding authority; and

''(C) the issuer designates such bond (or portion) for purposes of this section.

''(5) SECRETARIAL FUND.—The term 'Secretarial fund' means a fund established by the Secretary to carry out this section.

''(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(b) LOAN AUTHORITY AND OTHER SUPPORT.—

''(1) LOANS AND STATE-ADMINISTERED PROGRAMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), from funds made available to a State under subsection (e) the State, in consultation with the State educational agency—

''(i) may use the funds to make annual interest payment on qulified school construction bonds, to support State revolving fund programs or for any other State-administered programs that assist State, regional, and local entities within the State in paying for the cost of construction, rehabilitation, repair, or acquisition described in subsection (a)(4)(A).

''(B) STATES WITH RESTRICTIONS.—If, on the date of enactment of this section, a State has in effect a law that prohibits the State from making certain loans described in subparagraph (A)(i), the State, in consultation with the State educational agency, may use the funds described in subparagraph (A) to support the other uses described in subparagraph (A)(i).

''(2) REQUESTS.—The Governor of each State desiring assistance under this section shall submit a request to the Secretary of Education at such time and in such manner as the Secretary may require.

''(3) ELIGIBILITY.—

''(A) IN GENERAL.—Only those States described in subparagraph (B) shall be eligible to receive assistance under this section with respect to a fiscal year.

''(B) STATES DESCRIBED.—With respect to a fiscal year, a State described in this subparagraph is a State that receives assistance under part A of title I for the fiscal year involved in an amount that is less than .4 percent of the total amount made available to all States under such part for such fiscal year.

''(4) PRIORITY.—In selecting entities to receive funds under paragraph (1) for projects involving construction, rehabilitation, repair, or acquisition of land for schools, the State shall give priority to entities with projects for schools with greatest need, as determined by the State. In determining the schools with greatest need, the State shall take into consideration whether a school—

''(A) is among the schools that have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

''(i) children living in areas with high concentrations of low-income families;

''(ii) children from low-income families; and

''(iii) children living in sparsely populated areas;

''(B) has inadequate school facilities and a low level of resources to meet the need for school facilities;

''(C) is located in a rural area;

''(D) is among the neediest 40 percent (except that schools described in section 9201(b)(2)(D) shall not be considered for purposes of this paragraph) of all public elementary and secondary schools in the State, as determined by the State; and

''(E) meets such criteria as the State may determine to be appropriate.

''(c) REPAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a State that uses funds made available under subsection (e) to make a loan or support a State-administered program under subsection (b)(1) shall repay to the Secretarial fund the amount of the loan or support, plus interest, at an annual rate of 4.5 percent. A State shall not be required to begin making such repayment until the year immediately following the 15th year for which the State is eligible to receive annual distributions from the fund (which shall be the final year for which the State shall be eligible for such a distribution under this Act). The amount of such loan or support shall be fully repaid during the 10-year period beginning on the expiration of the eligibility of the State under this section.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—The interest on the amount made available to a State under subsection (e) shall not accrue, prior to January 1, 2007, unless the amount appropriated to

carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for any fiscal year prior to fiscal year 2007 is sufficient to fully fund such part for the fiscal year at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

''(B) APPLICABLE INTEREST RATE.—Effective January 1, 2007, the applicable interest rate that will apply to an amount made available to a State under subsection (e) shall be—

''(i) 0 percent with respect to years in which the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) is not sufficient to provide to each State at least 20 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State;

''(ii) 2.5 percent with respect to years in which the amount described in clause (i) is not sufficient to provide to each State at least 30 percent of such average per-pupil expenditure;

''(iii) 3.5 percent with respect to years in which the amount described in clause (i) is not sufficient to provide to each State at least 40 percent of such average per-pupil expenditure; and

''(iv) 4.5 percent with respect to years in which the amount described in clause (i) is sufficient to provide to each State at least 40 percent of such average per-pupil expenditure.

''(d) FEDERAL RESPONSIBILITIES.—The Secretary shall—

''(1) be responsible for ensuring that funds provided under this section are properly distributed;

''(2) ensure that funds provided under this section are used only to pay for—

''(A) the interest on qualified school construction bonds; or

''(B) a cost described in subsection (b)(1)(A)(ii); and

''(3) not have authority to approve or disapprove school construction plans assisted pursuant to this section, except to ensure that funds made available under this section are used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair, and acquisition of land for school facilities, in the State that would have occurred in the absence of such funds.

''(e) FUNDING.—

''(1) SET-ASIDE OF FEDERAL FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law (including section 9201(a) and the provisions of this Act) there shall be made available to carry out this section for each fiscal year, an amount equal to 20 percent of the total amount of Federal funds appropriated for such fiscal year for Federal programs to provide assistance for school construction, renovation, or repair.

''(B) TRANSFER OF FUNDS.—Not later than 60 days after the beginning of each fiscal year, the Secretary of the Treasury shall transfer to the Secretary of Education the amounts described in subparagraph with respect to the fiscal year involved and the Secretary shall utilize such amounts to carry out this section.

''(2) ALLOCATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (C), of the amount available under paragraph (1) for a fiscal year, the Secretary shall make available to each State submitting a request under this section a loan amount that bears the same relation to such available amount as the amount the State received under part A of title I for fiscal year 2001 bears to the loan amount received by all States under such part for such year.

''(B) DISBURSAL.—The Secretary shall disburse the amount made available to a State under subparagraph (A) or (C), on an annual basis, during the period beginning on October 1, 2001, and ending September 30, 2018.

''(C) SMALL STATE MINIMUM.—

''(i) MINIMUM.—No State shall receive a loan amount under subparagraph (A) for a fiscal year that is less than an amount equal to .5 percent of the total amount made available for such fiscal year under paragraph (1).

''(ii) STATES.—In this subparagraph, the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 22, 2001, at 2:30 p.m., in room SH–216 of the Hart Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the Administration's energy plan and the following bills: S. 388, the National Energy Security Act of 2001; and S. 597, the Comprehensive and Balanced Energy Policy Act of 2001.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Staff Scientist, at (202) 224–4971.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, May 23, 2001, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the Lower Klamath River Basin.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, SH–212 Senate Hart Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, May 16, 2001. The purpose of this hearing will be to review the credit title of the upcoming farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 16, 2001, at 10 a.m., in executive session to consider certain pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on the nominations of Maria Cine to be Assistant Secretary of Commerce and Director General of U.S. and Foreign Commercial Service; Kathleen Cooper to be Under Secretary of Commerce for Economic Affairs; Bruce Melman to be Secretary of Commerce for Technology Policy of the Department of Commerce; Sean O'Hollaren to be Assistant Secretary of Governmental Affairs; Donna McLean to be Assistant Secretary for Budget Programs and Chief Financial Officer of the Department of Transportation; and Tim Muris to be a Commissioner of the Federal Trade Commission on Wednesday, May 16, 2001, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. 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 Wednesday, May 16, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business, as follows:

Agenda Item No. 1, S. 230.—To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center.

Agenda Item No. 2, S. 254.—To provide further protections for the watershed of the Little Sandy river as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

Agenda Item No. 3, S. 329.—To require the Secretary of the Interior to conduct a theme

study on the peopling of America, and for other purposes.

Agenda Item No. 4, S. 498.—Entitled the ''National Discovery Trails Act of 2001''.

Agenda Item No. 5, S. 506.—To amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes.

Agenda Item No. 6, S. 507.—To implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

Agenda Item No. 7, S. 509.—To establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

Agenda Item No. 10.—Nomination of Francis S. Blake to be Deputy Secretary of Energy.

Agenda Item No. 11.—Nomination of Robert Gordon Card to be Under Secretary of Energy.

Agenda Item No. 12.—Nomination of Bruce Marshall Carnes to be Chief Financial Officer of the Department of Energy.

Agenda Item No. 13.—Nomination of David Garman to be Assistant Secretary for Energy Efficiency and Renewable Energy of the Department of Energy.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. 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 Wednesday, May 16, immediately following the committee business meeting to conduct a hearing. The committee will consider the nominations of J. Steven Griles to be the Deputy Secretary of the Interior; Lee Sara Liberman Otis to be the General Counsel for the Department of Energy; Jesse Hill Roberson to be the Assistant Secretary for Environmental Management of the Department of Energy; Nora Mead Brownell to be a Commissioner of the Federal Energy Regulatory Commission; and Patrick Henry Wood III to be a Commissioner of the Federal Energy Regulatory Commission.

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

COMMITTEE ON FINANCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 16, 2001, to consider the nominations of Claude Allen to be Deputy Secretary, Department of Health and Human Services; Thomas Scully to be Administrator of the Health Care Financing Administration, Department of Health and Human Services; Piyush Jindal to be Assistant Secretary for Planning and Evaluation, Department of Health and Human Services; Peter R. Fisher to be Under Secretary for Domestic Finance, U.S. Department of Treasury; James Gurule to be Under Secretary of the Treasury for Enforcement, U.S. Department of Treasury; Linnet F. Deily to be Deputy U.S. Trade Representative, with the Rank of Ambassador, Executive Office of the President; and, Peter Allgeier to be Deputy U.S. Trade Representative, with the Rank of Ambassador, Executive Office of the President.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 16, 2001, at 10 a.m. and 3 p.m., to hold two nomination hearings as follows: at 10 a.m., in SD–419, the Honorable A. Elizabeth Jones, of Maryland, to be Assistant Secretary of State for European Affairs and Stephen Brauer, of Missouri, to be Ambassador to Belgium at 3 p.m., in SD–419, the Honorable Thelma J. Askey, of Tennessee, to be Director of the Trade and Development Agency and the Honorable Peter S. Watson, of California, to be President of the Overseas Private Investment Corporation.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet to hold a hearing on the following nominations for the Department of Veterans Affairs: Leo S. Mackay, Jr. to be Deputy Secretary; Robin J. Higgins to be Under Secretary for Memorial Affairs; Maureen P. Cragin to be Assistant Secretary for Public and Intergovernmental Affairs; Jacob Lozada to be Assistant Secretary for Human Resources and Administration; and Gordon H. Mansfield to be Assistant Secretary for Congressional Affairs.

The hearing will be held on Wednesday, May 16, 2001, at 9:30 a.m., in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 16, 2001, at 2 p.m., to hold a closed hearing on intelligence matters.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Deborah Forbes, a detailee in Senator KENNEDY's office, be granted floor privileges for the duration of the education debate.

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent Heather Smith, an American Planning Association congressional fellow in my office, be granted floor privileges for the duration of the debate on the bill.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S. C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. interparliamentary Group during the First Session of the 107th Congress, to be held in Canada, May 17–21, 2001: The Senator from Iowa (Mr. GRASSLEY) and the Senator from Ohio (Mr. VOINOVICH).

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 107th Congress, to be held in Canada, May 17–21, 2001: The Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. SARBANES), and the Senator from Hawaii (Mr. AKAKA).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 77.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at this point in the RECORD, and the President be immediately notified of the Senate's action. I also ask unanimous consent that the Senate then return to legislative session.

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

The nomination was considered and confirmed, as follows:

DEPARTMENT OF COMMERCE

James J. Jochum, of Virginia, to be an Assistant Secretary of Commerce.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, MAY 17, 2001

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Thursday, May 17. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, under the order, tomorrow the Senate will conduct two votes in relation to the education bill. The first vote will be in relation to the Dayton amendment No. 622, to be followed by a vote in relation to the Voinovich amendment No. 443. Senators should, therefore, expect two early morning votes beginning shortly after 9 a.m.

Following those votes, the Senate will begin consideration of the reconciliation bill and the statutory 20 hours for debate. Additional votes will occur throughout Thursday's session, and the Senate is expected to remain in session into the evening in order to make progress on the tax reconciliation measure.

Before we close, I remind all Members of the early morning votes and ask that Senators be prompt to enable us to begin work on the important Tax Relief Act.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:02 p.m, adjourned until Thursday, May 17, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 2001:

DEPARTMENT OF DEFENSE

PETER W. RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE EDWARD L. WARNER, III.

DEPARTMENT OF TRANSPORTATION

ALLAN RUTTER, OF TEXAS, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION, VICE JOLENE MORTIZ MOLITORIS, RESIGNED.

DEPARTMENT OF THE INTERIOR

PATRICIA LYNN SCARLETT, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE M. JOHN BERRY.

ENVIRONMENTAL PROTECTION AGENCY

GEORGE TRACY MEHAN, III, OF MICHIGAN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE J. CHARLES FOX, RESIGNED.

DEPARTMENT OF THE TREASURY

BRIAN CARLTON ROSEBORO, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE LEWIS ANDREW SACHS, RESIGNED.

DEPARTMENT OF STATE

PAUL VINCENT KELLY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE BARBARA MILLS LARKIN.

JOHN D. NEGROPONTE, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

JOHN D. NEGROPONTE, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

THE JUDICIARY

LYNN LEIBOVITZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE STEPHEN G. MILLIKEN, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate May 16, 2001:

DEPARTMENT OF COMMERCE

JAMES J. JOCHUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.